

Report

Mission to Colombia to Investigate the Situation of Indigenous Peoples

May 27 - June 3, 2001

Organized by Rights & Democracy
with the cooperation of
the Assembly of First Nations (Canada)



Rights & Democracy

International Centre for Human Rights
and Democratic Development

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INTRODUCTION

Between May 27 and June 3, 2001, a seven-person delegation from Canada, made up of representatives from the Assembly of First Nations (AFN), Canada's indigenous peoples, Rights & Democracy, and Parliament, visited Colombia in South America to learn about the concerns and challenges facing the country's indigenous peoples. We knew the situation in Colombia to be violent and complex, and the plight of 800,000 indigenous peoples living in this turbulent country, urgent. We touched only the surface of the plight of indigenous peoples during our short visit, but we were moved by the persistence and vision with which they continue to struggle for their territorial rights, culture, autonomy, and the unity of all peoples.

We absorbed as much as possible in the short space of one week; however, the complexity of the situation in Colombia warrants further follow-up and monitoring. While we were there, many valuable reports and publications were given to us and have informed the preparation of this report. We were told on several occasions that further exploratory and solidarity missions must include visits to indigenous communities. It is only by sharing stories, dreams and promises with the community as a whole that long-term commitments take shape.

Each member of the delegation returned to Canada profoundly affected and changed by what he or she had heard, and hopefully this report will inspire others to join with us and other Canadians, and solidarity, human rights, development and environmental groups to provide support to peoples threatened with extinction. It is equally important to pressure governments – Colombian, Canadian and others – as well as international bodies such as the Organization of American States (OAS) and the United Nations (UN) to ensure that the rights of Colombia's indigenous peoples are respected.

This report is written in four sections. The first deals with the Mission's objectives, participants, and organization; the second with initial findings; the third with the specific circumstances of six indigenous communities/organizations; and d) the fourth with recommendations and conclusions.

For security reasons, the specific names of representatives who met with the delegation have been omitted in various sections of the report.

In Solidarity,

Ghislain Picard, Regional Vice-Chief for Quebec and Labrador, AFN
 George Erasmus, President, Aboriginal Healing Foundation
 Chief Lydia Hwitsum, Cowichan Tribes, Vancouver Island
 Beth Phinney, Member of Parliament, Hamilton-Mountain
 Warren Allmand, President, Rights & Democracy
 Mary Durran, Communications Assistant, Rights & Democracy
 Eleanor Douglas, Consultant/Mission Coordinator, Rights & Democracy

We dedicate this report to **KIMY PERNÍA DOMICÓ**, an internationally respected and beloved indigenous leader of the Embera-Katío People from the region of Tierra Alta in the Department of Córdoba kidnapped on June 2, 2001.

Kimy visited Canada twice, invited by the Inter-Church Committee on Human Rights in Latin America (ICCHRLA) and other Canadian organizations. He provided testimony before the House of Commons Standing Committee on Foreign Affairs and International Trade, and made a presentation at the Peoples' Summit of the Americas in Quebec City in April 2001. The purpose of his trips has been to expose the disastrous consequences for his People of the construction of the Urrá Hydroelectric Dam and to put a human face to the ensuing tragedy after the flooding of Embera-Katío traditional territory. The Canadian Export Development Corporation (EDC) provided US \$18.5 million towards the financing for the construction of the Urrá Dam, and partly as a result of Kimy's testimony, is facing pressure regarding transparency in its operations in order to avoid participation in human tragedies of this nature in the future.



PHOTO: Kathy Price, ICCHRLA

Kimy's abduction ignited a world-wide response, especially in Canada. As members of the delegation, we had the privilege of meeting with him on Thursday afternoon, May 31, in the city of Medellín. Forty-eight hours later he was captured in the town of Tierra Alta by three armed men on motor bikes, alleged to be right-wing paramilitary. For some time, members of the Embera community, resisting the dam, have suffered threats and violence from the paramilitary as well as from guerrilla insurgents. At the time of writing, nothing has been heard of Kimy's whereabouts despite the international pressure that has been mounted on behalf of this wise and committed defender of the basic rights of the Embera People, indeed of all indigenous peoples.

We are moved by the response of indigenous peoples in Colombia, who, under the leadership of ONIC¹ (National Organization of Indigenous peoples of Colombia), have organized an Indigenous Humanitarian Commission of several hundred indigenous men, women, and youth from all over the country to join forces with the Embera-Katío of Córdoba to look for Kimy in Tierra Alta, farm by farm. Extreme situations like this have frequently motivated indigenous peoples to apply what they have learned from centuries of struggle: direct presence, mobilization and demonstration of strength in the defence of life.

We join with indigenous brothers and sisters in Colombia who "demand that all of the violent actors cease to attack their people and their leaders; that Kimy be returned safe and sound; that armed groups respect their territories and refrain from turning them into scenes of war and destruction; that humanitarian organizations denounce the current situation, and help them mediate the liberation of their brother, insisting on respect for their peoples, culture, and autonomy; and that the national government comply with the April 19 accord for protection of their leaders and their communities."

1 Organización Nacional Indígena de Colombia

CHAPTER 1

ORGANIZATION

OF THE MISSION

1.1. Acknowledgements

First and foremost, we wish to acknowledge the time and effort expended by representatives of the many indigenous organizations who came to meet with us. Some travelled more than 24 hours to Bogotá, Popayán or Medellín to share their stories, problems, challenges, and hopes. Through our conversations, their presentations, the documents left with us, and their warmth and generosity, we feel important relationships have been initiated. We trust this report will constitute another step in the journey of strengthening the ties.

The delegation members are also grateful for the dedicated time and tireless support of Canadian Ambassador Guillermo Rishchynski and Simon Cridland, especially, of the Canadian Embassy in Bogotá in arranging meetings with indigenous groups, and Colombian government and UN officials.

We would like to express our appreciation to Mr. Anders Kompass and Ms. Leila Lima, heads of the Offices in Colombia of the United Nations High Commissioner for Human Rights (UNHCHR) and Refugees (UNHCR), respectively; to the Minister of the Environment, Mr. Juan Mayr; to representatives from the office of Human Rights of the Ministry of the Interior, of the office of the Presidential Human Rights Program, and of the office of the National Ombudsman; and to indigenous members of the Senate and Congress; all of

whom took time to meet with us. Our appreciation is extended to the Governors of Cauca and Antioquia, Floro Tunubalá and Dr. Guillermo Gaviria respectively for the time they spent with us. To all friends of indigenous peoples in Colombia who joined us during the Bogotá inauguration of an exhibition of Canadian indigenous art, we thank you for your participation. Finally, we regret we had so little time with non-governmental organizations working tirelessly with indigenous peoples.

The itinerary was extremely full, and we offer our apologies to those indigenous organizations, solidarity groups, and non-governmental organizations with whom we did not have the chance to meet.

1.2. Context

For some time, the increasingly difficult situation faced by Colombia's indigenous peoples was being shared with concerned Canadians, both aboriginal and non-aboriginal. It was clear that their traditional values, vision, cultural norms, and territorial rights were on a collision course with 'so-called' modernizing economic development projects and a cruel internal armed conflict. Their survival seemed to be at stake.

Alberto Achito, member of the Executive Committee of ONIC, when invited by Rights & Democracy to the OAS Assembly held in Windsor, Ontario at the beginning of June 2000, drafted an initial invi-

tation to the AFN to visit Colombia. It was felt that direct contact, the sharing of information and experiences, and witnessing first hand in Colombia some of the urgent concerns of indigenous peoples would establish a foundation for future involvement and solidarity.

For many years, the AFN has been concerned with the struggles of indigenous brothers and sisters around the world, and the urgency of the situation in Colombia was becoming increasingly apparent. As national lobby organization of the first nations in Canada, and representing over 630 first nations communities, the AFN was an integral part of the mission. Having dealt for several decades with issues of exclusion, poverty, recognition of territory, natural resource extraction, mega-project construction within indigenous territories, physical and sexual abuse within the Residential School System, aboriginal systems of justice, and alternative health care, to name but a few, the AFN was well equipped to share an understanding of similar struggles among indigenous peoples in Colombia, the latter complicated by a web of contemporary violence that underscored the urgency of our visit.

At the same time, Rights & Democracy – an independent Canadian organization that supports the protection of human rights and the promotion of democratic development – was becoming increasingly involved with counterparts in Colombia as well as with organizations in Canada working on Colombia. For several years, Rights & Democracy has supported the struggles of indigenous peoples in the Americas, and in international fora such as the UN and the OAS. Having worked on previous occasions with the AFN, and having had experience working with indigenous peoples in Mexico, Peru, and Guatemala, as well as with the Continental Network of Indigenous Women of the

Americas (CONAIE), motivation began to build for promoting a mission to Colombia. After the election of the current executive of the AFN, the two organizations met at the highest level and plans for the delegation began to come together in November 2000.

1.3. Participants

Ghislain Picard: Vice-Chief Picard is Regional Representative of the AFN for Quebec and Labrador; he is also in charge of International Affairs at the AFN. Born in the community of Betsiamites, he is a member of the Innu People. After studying arts and communications, he was employed by the Atikamekw and Montagnais Council, where he was responsible for media relations and for the publication of a newspaper called 'Tepatshimuwin'. He also participated in the establishment of a community radio network and in 1989 was elected Vice-President of the Atikamekw-Montagnais Council. In 1992, he was elected Regional Chief for the AFN and is responsible for co-ordinating with the 43 Chiefs of his region.

George Erasmus: Mr. Erasmus was born in the Northwest Territories and is a member of the Dene Nation. After holding several positions in his native territory, he was elected National Chief of the AFN in 1985 and in 1988. He was later selected as Co-Chair of the Royal Commission on Aboriginal Peoples, a commission of enquiry whose findings were intended to guide the implementation of government policies affecting Canada's First Nations. He has received honorary degrees from several Canadian universities and was appointed to the Order of Canada as a Member in 1987 and as an Officer in 1999. Currently Mr. Erasmus is the Chair of the Aboriginal Healing Foundation, a foundation designed to encourage and support aboriginal people in building and rein-

forcing healing processes that address the legacy of physical and sexual abuse suffered in the Residential School System.

Lydia Hwitsum: Ms. Hwitsum is currently the elected Chief of the Cowichan Tribes on Vancouver Island in British Columbia. As such, she is actively involved in the AFN, and in addition, she is currently a member of the Board of Directors of Rights & Democracy. She obtained her degree in Law from the University of Victoria in 1997 and her academic pursuits have included Indian Act Taxation and Exemption, Property Law, Program of Legal Studies for Native People, Conflict Resolution, Public Sector Management, and Administration of Aboriginal Government. She has worked with several indigenous organizations in her native territory and served as Vice President of the University of Victoria Native Law Students' Association.

Beth Phinney: Ms. Phinney is a Member of Parliament for the Liberal Party for the riding of Hamilton-Mountain in the province of Ontario, and she is currently the Chair of the Sub-Committee on Human Rights and International Development of the Standing Committee on Foreign Affairs and International Trade. Elected for the first time in 1988, she is now serving her fourth consecutive term as a member of Parliament and during her several years of service, has participated in a wide variety of Parliamentary Standing Committees. Previous to her parliamentary experience, Ms. Phinney was involved in the field of education.

Warren Allmand: Mr. Allmand was appointed President of Rights & Democracy in 1997 following a 31-year career as a member of Parliament. A lawyer, he graduated from McGill University, was appointed Queen's Counsel in 1977, and was named as a member of the Order of Canada in 2000. During his parliamen-

tary career, Mr. Allmand held a number of Cabinet posts - Solicitor General, Minister of Indian and Northern Affairs, and Minister of Consumer and Corporate Affairs. Long involved in international affairs, he was International President of Parliamentarians for Global Action, and he is also actively involved in a number of community-based organizations. Mr. Allmand has received honorary degrees from St. Thomas University, St. Francis Xavier University and has won the World Peace Award of the World Federalists of Canada.

Mary Durran: Ms. Durran is Communications Assistant at Rights & Democracy and she was in charge of media relations and press work, before, during and after the Mission. Her background is in human rights and international development work, with a particular focus on Central America and Haiti. From 1992-93, she worked as a freelance journalist covering Central America, based in El Salvador, working for British and US publications; she then completed three and a half years of field work in human rights observation and electoral monitoring with the UN/OAS human rights monitoring mission in Haiti.

Eleanor Douglas: After obtaining Arts and Education degrees from the University of Manitoba, Ms. Douglas lived for 20 years in Colombia and worked as the Director of CUSO and other Colombian human rights groups. She was Chair of CUSO's International Board of Directors and, upon returning to Canada in 1995, worked as the Latin American Development Program Coordinator for Primate's World Relief Development Fund at the Anglican Church. She is completing a degree in Conflict Transformation and Peace Studies and between November 2000 and July 2001 was associated with Rights & Democracy on specific Colombia-related work. She is currently living in Colombia.

1.4. Objectives

The overall goal of the mission to Colombia was to obtain a broad overview of the situation by speaking with as many indigenous groups as possible, as well as with Colombian government and UN officials. The objectives of the visit were to:

- promote awareness within Canada's first nations' communities and structures of the threatening situation faced by Colombia's indigenous peoples caught in the grip of armed conflict; to increase awareness of the constitutional rights of Colombian aboriginal communities and of current government policy towards them;
- assess the potential for on-going monitoring of, and support for, Colombia's indigenous peoples, by both the AFN and Rights & Democracy;
- learn about Canadian presence in Colombia, and strengthen policy and advocacy capacity in Canada, with the Canadian government, and with the Canadian private sector, about the plight of Colombia's indigenous peoples; and
- support the efforts for peace in Colombia, as related to indigenous communities particularly, and to the social movement for peace, generally.

CHAPTER 2

INITIAL FINDINGS

2.1. General Situation in Colombia

Before leaving for Colombia, we tried to learn as much as possible about the situation in the country as a whole, as well as about some of the general conditions facing Colombia's indigenous peoples (see Annex 2). We were also keen to learn about Canadian involvement in Colombia and the effect of private sector investment on indigenous peoples. We were aware that it would be impossible to comprehend the dilemmas faced by indigenous peoples without examining some of the crucial elements in the present political, economic, and social context, a context which is arousing increasing international consternation. As the internal armed conflict intensifies, and as efforts at peacebuilding lurch backwards and forwards at a snail's pace, indigenous peoples are trapped by this multi-faceted confrontation in many areas of rural Colombia. They are displaced by it, and they are threatened with extinction. At the same time, they are actively involved in the search for a peaceful outcome.

What follows is a brief summary of some findings about the present-day situation in Colombia:

- There has been a horrific intensification of the internal armed conflict during the last 12 months. The number and brutality of massacres of unarmed innocent civilians committed by right-wing paramilitary death squads, the

AUC (United Self Defence Groups of Colombia)², have been documented by human rights organizations in Colombia and around the world by the office of the UNHCHR and by the US State Department.³ The present government of President Andrés Pastrana has failed to disarm and bring the AUC leadership to justice, and more significantly to break the overt collaboration between officers of the State, especially of the armed forces, and the AUC. The ongoing slaughter of innocent unarmed civilians increased dramatically during the year 2000⁴ and only worsened during the first five months of 2001. Some measures to combat paramilitarism have been taken, and several officers and soldiers from the armed forces have been dismissed, but not brought to trial, for human rights violations. The AUC publicly boasts that many are now fighting on their behalf.

- The degradation of the conflict is also related to the increasing violation of international humanitarian law by the major guerrilla forces, namely the FARC⁵ (Revolutionary Armed Forces of

2 Autodefensas Unidas de Colombia

3 In the year 2000, almost 85% of politically-motivated murders were attributable to State agents and paramilitary groups, and 15% to the guerrillas, according to the Colombian Commission of Jurists.

4 According to statistics collected by the Colombian Commission of Jurists, between 1988 and 1997, there was an average of 10 socio-politically motivated murders per day. In 2000, nearly 20 people were killed per day.

5 Fuerzas Armadas Revolucionarias de Colombia

Colombia) and the ELN⁶ (National Liberation Army). The use of arms difficult to control such as gas cylinders, the assassination of civilians for refusing to pay extortion money, forced recruitment, selective assassinations of community leaders, massacres, massive and individual kidnappings, and attacks against the nation's infrastructure (oil pipelines, energy towers, gas-lines, etc.) are affecting the lives of thousands. The original causes of their struggle –concentration of land, income, and political opportunity in the hands of the establishment—are being lost on the general population due to this dramatic increase in violations.

- The integrity of indigenous territories, as guaranteed by the Colombian Constitution, is increasingly under threat. Narcotraffickers, guerrillas, paramilitary, Colombian military, US-backed fumigators, resource-extraction companies, and national and international economic 'developers' are major actors in the invasion, destabilization and destruction of their lands, communities, way of life, culture, and spirituality. In some cases, the very existence of remote indigenous peoples is threatened.⁷
- During the year 2000, the conflict greatly exacerbated the problem of forced internal displacement; the Constitutional Court called the situation a grave social emergency and according to statistics from the Ministry of Defence and CODHES⁸ the major cause continues to be paramilitary action (the

paramilitary are responsible for 45% of displacement, and the guerrillas, 30%, according to reliable international sources). The director of the office of the UNHCR in Colombia told us that while 2% of the Colombian population is indigenous and 12% of Afro-Colombian descent, more than 33% of all internally displaced belong to these two groups. The Colombian government is obliged to provide basic humanitarian survival assistance to the displaced for the first three months, but the government's Social Solidarity Network lacks the resources, infrastructure, and authority to respond to the situation leaving international organizations, especially the International Red Cross, to step in. Approximately 300,000 people were displaced during 2000 due to political violence, bringing the total to two million. Displaced indigenous communities are threatened with extinction –without their traditional territories, their cultures are extinguished, as is life itself.

- 'Plan Colombia', the Colombian government's present development plan, has increased tensions on several fronts, including within indigenous communities. They are especially affected by the two main components of the plan with significant resources from the US government. Increased military hardware for the Colombian army, with documented links between its units and members and the illegal paramilitary AUC, means Plan Colombia is a 'plan for war, not for peace' as so many indigenous organizations indicated to us. Secondly, the stated US goal is the eradication of illicit drug crops in Colombia through aerial fumigation, but communities have not been consulted and indigenous peoples are adamant that their livelihoods and their health are being affected. They insisted on several occasions that the real goal of Plan

6 Ejército de Liberación Nacional

7 According to ONIC, 4 are in imminent danger of disappearing altogether in the North-East and the Amazon regions; other groups under considerable threat are those to be found in the Chocó-Antioquia region of the Northwest.

8 CODHES- Consultoría Sobre los Derechos Humanos y el Desplazamiento- a Colombian NGO dedicated to tracking, analyzing, and informing the public of the situation of Colombia's displaced people.

Colombia is to empty certain areas of the countryside in order to allow free reign to transnational corporations. They repudiate Plan Colombia in its present form and are calling on the Colombian government and the international community to support manual eradication and alternative production plans developed in consultation with affected communities.

- The Colombian conflict is spilling over national borders, especially to Ecuador and Panama particularly affecting indigenous communities in these areas. Other impacts on the region are manifest in the temporary or permanent displacement of Colombians; initial protective military build-up by Colombia's five neighbours along common borders; presence of Colombian guerrillas and paramilitary forces in neighbouring countries; and an increase in common crime and violent account-settling.
- The socio-political as well as military polarization of the country is contributing to what the UNHCHR calls the de-institutionalization of the democratic State.⁹ Public support for the so-called peace process and a negotiated political settlement to the conflict is waning. There is a sense that the multiple layers of intertwined violence are being further scrambled and that the discourse of "peace" is, for the moment, fragile. Clamorous demands from a variety of social sectors for a hard line and all out war are becoming more frequent. Although the Colombian State is far from defeated, there is considerable risk that the State, confronting problems that surpass its capacity, may lose control of the situation.¹⁰

- Colombian indigenous leaders believe that, at a minimum, the armed conflict in Colombia will intensify in the coming months and years, if a serious peacebuilding process is not put in place. Some predict a war that will continue to deepen poverty and further weaken the legitimacy of the State. A possible yet remote solution is recognition by the State, the guerrillas, and civil society of the necessary transformations through political action to avoid an enormous human tragedy.
- On a more positive note, the last 12 months have seen an increasing concern and readiness on the part of the international community to become actively involved in Colombia's internal conflict. At the same time, the Colombian government, the guerrillas, and civil society have likewise become more open to international participation.

2.2. Struggles of Colombia's Indigenous Peoples

2.2.1. BACKGROUND

For centuries, Colombia's indigenous peoples have resisted the colonizing efforts of conquistadors, missionaries, hostile governments, rubber entrepreneurs, ranchers, lumber companies, emerald miners, oil companies, narcotraffickers, and resource extractors of every variety. However, the magnitude of violence from a multitude of sectors may be overwhelming their centuries-old methods of resistance. Despite the volumes that have been written about the horror of Colombia's armed conflict, it is only recently that the sacrifice of indigenous peoples, one of the war's "invisible victims", is being acknowledged. Genocide is on the lips and minds of many.

⁹ Report of the United Nations High Commission on Human Rights in Colombia

¹⁰ Call for Aid for Colombia by participants in the International Meeting organized by the French University Committee for Colombia; November 27-28, 2000

In compliance with provisos enshrined in the Colombian Constitution, 429 *resguardos*¹¹ and 17 reserves constitute indigenous territories. Together, with other forms of communal ownership, these cover approximately 30 million hectares or 28% of the Colombian land mass, nearly 90% of which is concentrated in the basins of the Amazon and Orinoco Rivers in the departments of Amazonas, Caquetá, Guainía, Guaviare, Meta, Putumayo, Vaupés and Vichada. Other significant indigenous populations are to be found in the departments of Cauca, Chocó, Córdoba, Antioquia, Norte de Santander and La Guajira. Although the total number of hectares in the hands of indigenous peoples seems impressive, a large percentage of this land is not apt for significant agriculture production and much of it has been seriously eroded. While large tracts are to be found in some scarcely-populated areas like the Amazon River Basin, in other areas of higher population density, like the department of Cauca, indigenous peoples lack sufficient land. We were told there may be as many as 115,000 indigenous peoples –out of a total population of not more than 800,000– without land. We also learned from indigenous spokespeople that as much as 90% of Colombia's biodiversity is to be found in indigenous peoples' territories, making them extremely vulnerable to a wide variety of actors external to their communities who wish to gain control over these valuable resources.

All areas inhabited by indigenous communities appear in maps of high risk for violence, whether it be related to narcotraffickers, State actors, land-owners, guerrillas, or paramilitaries. Many areas are also threatened by mega-infrastructure projects and resource-extraction

activities –in operation, under construction, or planned for the future. Five indigenous nations have been reduced to fewer than 100 people, and according to Colombian institutions, are in danger of extinction.

Spanish Conquest and Colonial Rule

Since the arrival of the Spanish conquistadors, the process of occupation, loss and recovery of land has been a constant in the history of Colombia's indigenous peoples. Diverse studies show that when the Spanish arrived, there were approximately 10,000,000 indigenous peoples in Colombia, most of whom were killed or died. Their cultures and settlements suffered a similar fate. During Spanish colonial rule, the preservation of territory was synonymous with the preservation of culture and life. After debilitating battles and loss of life, the Spanish crown eventually promoted the recognition of land rights in *resguardos*, for they were afraid that if indigenous peoples were to be completely decimated, cheap labour would no longer be available.

The Republican Era

During the Republican era, the private ownership of land was vigorously promoted and land became one more factor in the chain of production for economic development. During this period, 'uncultivated' land, that is land without visible agriculture or cattle, was considered devoid of human beings and transferred to the State to be distributed. Indigenous peoples living from hunting and fishing on these lands were, therefore, made invisible. *Resguardos* were expropriated and indigenous peoples in many areas of Colombia were reduced to colonizers in remote frontier lands, or peons forced to work on the large farms or *haciendas* being established at the time. Colombian and foreign missionaries, whites and those of mixed race, poor and rich alike, adventurers and bandits, and traffickers began to view the native

11 The closest translation of 'resguardo' in English is undoubtedly 'reserve'; however, in Colombia a second judicial category governing indigenous lands is the 'reserva', so confusion between the two is possible. See page 15.

population as mere obstacles to the occupation of these 'unoccupied' national territories. During the 20th century, some of these so-called 'empty' lands or 'no-man's lands' have been once again restored to their rightful owners after long, arduous, and often tragic struggles.

Law 89, passed by the Colombian Congress in 1890 and referred to frequently by indigenous leaders during our meetings, officially recognized the *resguardo* as a legally-constituted territory belonging to indigenous peoples that cannot be transferred to a third party, and the *cabildo* as their legitimate authority.

2.2.2. TWENTIETH CENTURY STRUGGLES FOR THE RECOVERY OF TERRITORY

Over the last 50 years, successful attempts to recover territory have been rooted in the organizing capacity of indigenous peoples, in their ability to live in harmony with their traditions and culture, to pressure and negotiate with the State, and elaborate development proposals based on autonomous community plans, known as Plans for Life. A Plan for Life is a strategy for the defence of indigenous culture, and it is frequently the Elders who direct such a process within the communities. Plans for Life are designed to strengthen the community and its governance structures, starting from an analysis of the real situation within each community, and then proceeding to the development of a holistic plan that involves, men, women, youth and children in its definition. There is a significant difference between an economic development plan and a Plan for Life; the former proposes to respond to the material needs of life without the participation of community members, while a Plan for Life is a response to all of the community's self-defined needs that contributes to the survival of the particular nation involved.

Although significant tracts of land are now legally in indigenous peoples' hands, virtually all of the land that has been recognized as indigenous property was already in the hands of indigenous peoples. Only 200,000 hectares were actually recovered from landowners, through purchase on the part of INCORA¹² (the Colombian Institute for Agrarian Reform). This effectively means that in 95% of cases, property claims were accepted as long as the State considered the land to be vacant. The property of landowners was only returned to the indigenous in 20% of the cases.¹³

With the formation of ONIC in 1982 and of regional councils in several departments both before and after this date—such as the Regional Council of Indigenous peoples of Cauca (CRIC), Organization of Indigenous peoples of Antioquia (OIA), Regional Council of Indigenous peoples of Tolima (CRIT), among many others—indigenous peoples' struggles for the recognition and legalization of territory, the right to teach native languages in local schools, the recognition of aboriginal systems of justice, and the right to traditional health care provision, were no longer invisible. Some of the key aspects of the movement's evolution over the last two decades have been the creation of a program for the defence of unity, territory, culture and autonomy; the ongoing struggle for the legal recognition of indigenous peoples' historic rights; their constitutional victories; and the ratification by the Colombian Congress of the International Covenant on Civil and Political Rights and Convention 169 of the International Labour Organization (ILO), which enshrined the rights of indigenous peoples in Colombia. Finally, the presence of three indigenous members in

12 Instituto Colombiano de Reforma Agrario

13 The Indigenous World, 1999-2000; International Working Group for Indigenous Affairs; p. 90

the Constituent Assembly that articulated and approved the new 1991 Constitution, ensured that the rights of indigenous peoples were taken into consideration at the highest domestic level.

Today, ONIC is the legal and legitimate national organization representing Colombian indigenous peoples. Political representation was and remains in the hands of the democratically-elected indigenous leadership, both through ONIC as well as through the formation of political movements. ONIC brings together 44 regional organizations and indigenous authorities from 32 departments in the country, and at the same time, represents the 84 different peoples, while Social Indigenous Alliance (ASI), Indigenous Authorities of Colombia (AICO), and the Colombian Indigenous Movement (MIC) fight to defend the interests of indigenous peoples at the more explicitly political level (it was pointed out that MIC lost its Congressional political status due to low voter support).

Despite significantly different experiences and histories among the varied peoples that constitute ONIC, it is a bridge, anchoring itself on philosophical principles that define the following platform:

- Defence of indigenous autonomy
- Defence of indigenous territories and recovery of those that have been usurped
- Collective ownership of land in *resguardos*
- Control over natural resources located on indigenous peoples' lands
- Creation of community economic enterprises
- Bilingual and bicultural education under the direction of indigenous authorities
- Recovery and defence of traditional medicine and support for programs that reflect the social and cultural values of the communities

- Assurances that all constitutional and legal norms that benefit indigenous peoples are respected
- Solidarity with other social sectors

During the 1970s and 80s, indigenous struggles exploded onto the national scene. Committed non-aboriginal and aboriginal professionals assisted with the technical aspects of production and marketing programs, linguistic research, legal requirements for land recovery, communication strategies, and the resurgence of traditional medical practices. Despite the advances, however, according to the 1999 UN Human Development Report for Colombia, it is estimated that 80% of the indigenous population still live in conditions of extreme poverty, 74% receive minimum wages below the legal minimum, and their municipalities have the highest rates of poverty and unmet basic human needs. In such areas, the indices of quality of life and human development are below national standards and life expectancy is 20% lower than the national average. The implementation of policies and programs designed specifically for these communities in order to guarantee the exercise of their right to autonomy and cultural identity has been inadequate.¹⁴

2.2.3. RIGHTS OF INDIGENOUS PEOPLES: BASIC CONCEPTS

Essential terms define the rights of indigenous peoples as they are enshrined in the 1991 Constitution and existing legislation, and thus elucidate the platform of all indigenous organizations in Colombia:

Indigenous Peoples: According to Law 21 of 1991, which ratified ILO Convention 169, indigenous peoples are those who

¹⁴ Commission on Human Rights Report of the UNHCHR Office in Colombia

descend from populations who inhabited the country, or a specific geographic region of the country, at the time of the conquest and colonization, and who conserve all or part of their social, economic, cultural, and political institutions. Identity consciousness is the fundamental consideration for identification as an indigenous person and is not based on genetic purity. It is not up to the State, but rather to indigenous peoples themselves, to decide if a particular population is indigenous or not.

Indigenous Territory: is land occupied in a regular and permanent manner by an indigenous community or group, as well as land, although not occupied in the above manner, which constitutes the natural habitat for their social, economic and cultural activities.

Indigenous Community: is a group or gathering of indigenous families consciously aware of their identity, and who share values, uses, customs and artefacts from their cultural heritage, as well as their own forms of government, administration, social control, and normative systems that differentiate them from other communities, irrespective of whether or not they possess land titles, or whether their *resguardos* were dissolved, divided, or declared vacant.

Indigenous Resguardo: is a specially-constituted, legal and socio-political institution made up of one or more indigenous communities that own territory under a collective property deed; the management and the internal life of the *resguardo* is directed by an autonomous organization of the indigenous peoples themselves within a system of collectively-defined norms.

Indigenous Reserve: is a tract of 'vacant' land occupied by one or several indigenous communities whose boundaries

were established and legally assigned by INCORA for use by, and benefit of, the communities, to the exclusion of outsiders. By legal definition, the land remains the property of the State.

Traditional Authorities: are members of an indigenous community who, by virtue of the given structure of the existing culture, have the right to exercise organizational authority, and governance and administrative functions, as well as social control.

Indigenous Cabildo: is a special public entity whose members have been elected and are recognized by the community; it is a traditional socio-political organization, the function of which is to legally represent the community, exercise authority, and undertake the activities attributable to it by law, uses and customs, and the internal rules of each community.

Indigenous Autonomy: Indigenous territories were granted the status of Territorial Entities (ETIs) by the constitution, and a series of subsequent laws gradually granted them functions similar to those of municipalities. It is this jurisdiction that allows indigenous peoples to be guided by their ancestral practices and to exercise autonomy under their own forms of government.

Basic Legal Instruments Enshrining the Rights of Indigenous Peoples

- The 1991 Constitution affirms that the pluriethnic and multicultural Colombian State recognizes and will protect the ethnic and cultural diversity of the nation; that the members of ethnic groups have the right to training that respects and enhances their identity; that culture, in its manifold expressions, is fundamental to nationhood; and that the State recognizes the equal-

ity and dignity of all those who live in the country.

- The 1991 Constitution recognizes indigenous *resguardos* as lands with registered communal property deeds, and as such, are entitled to receive transfer payments from the central government administration, in the same way as a municipality.
- Indigenous territories fall under special legislation, and based on communal land ownership, they cannot be rented, sold, mortgaged, embargoed, passed on through individual inheritances, nor granted to anyone else other than the community.
- Taxes cannot be levied on indigenous territories and they are entitled to their own form of government, language, education, justice, and authority.
- Colombian Law 21 of 1991 which ratified ILO Convention 169 establishes that the government must assume responsibility for developing, in conjunction with indigenous peoples, coordinated and systematic measures designed to protect the rights and survival of these peoples. The government is also bound to consult with interested indigenous peoples, through the use of appropriate mechanisms and particularly through their representative institutions, each time that legislative and administrative transactions are likely to directly affect them. This means that, according to the Law, if an Indigenous Territory exists within the boundaries of any level of government, the latter is obliged to generate mechanisms of consultation and mutually agreed-to decision-making, especially in cases of natural resource extraction.
- According to the 1991 Constitution, the exploitation of natural resources must

not harm the cultural, social and economic integrity of indigenous peoples.

- The 1991 Constitution elevates the status of indigenous peoples' territory to that of ETIs,¹⁵ governed by existing public administration jurisprudence related to territory. However, because of complex, competing economic, social and political interests, the necessary procedures and norms for actually establishing these ETIs have not yet been judicially expedited.¹⁶ One of the major platforms of indigenous peoples' organizations in Colombia is that these ETIs be duly and expeditiously regulated according to their constitutional rights. In order to safeguard these territories, legally-recognized norms and procedures for the full implementation of ETIs is urgent.
- Inhabitants of ETIs are entitled to negotiate their community development plans, Plans for Life, with the appropriate levels of government. Members of indigenous communities are entitled to social and cultural programs that respect and develop their cultural identity.
- A special legal proviso in the 1991 Constitution allows for the election of a minimum of two indigenous senators by indigenous communities. (Senators in Colombia are elected through national lists, while representatives to Congress are elected from their respective departments). Currently, there are three indigenous senators and two members of Congress who have been elected both through the special jurisdiction as well as through open electoral competition.

In summing up the general situation for indigenous peoples in Colombia, ONIC leaders left us with a very clear message.

¹⁵ *Entidad Territorial Indígena*

¹⁶ Known in Colombia as the *Ley Orgánica de Ordenamiento Territorial*

While there have been significant advances in terms of enshrining the rights of indigenous peoples at the constitutional level, the lack of political will to ensure their enforcement means that many of these rights have not been established in domestic legislation.

2.3. Rights of Indigenous Peoples Threatened at the Dawn of the 21st Century

Despite the fact that the Constitution legally enshrined the rights of indigenous peoples in 1991, more than 300 indigenous leaders have since been assassinated. There are six different types of threats to territorial integrity and the rights of indigenous peoples.

2.3.1. EXTRACTION OF NATURAL RESOURCES

On the one hand, in the current context of globalization, rural land is no longer valued for its food producing capacity—Colombia has increased its import of food-stuffs eight fold since 1990, when economic market-led policies were vigorously implemented. Of much more value is its oil, mining, natural gas, biodiversity, hydro-electric, and transportation potential. However, the fragility of Colombia's ecosystems and high levels of biodiversity imply serious risks for this type of economic activity.

Colombia, a so-called developing nation, afflicted by an armed conflict exacting an enormous human and financial toll, is in a weak position to buck the established rules of international market policy. As such, it appears to have found an economic niche for itself in the resource-extraction field. Seriously affected by the current economic crisis and the costs of the war, recent governments have facilitated a multitude of easy-term concessions for, and association contracts with, private companies, both national and multinational, for the extrac-

tion of natural resources, especially oil. This provides some short-term, but short-sighted (according to many) economic relief. Oil is now Colombia's major legal export.

The history of oil exploitation within indigenous territories over the past six decades has been a sad one indeed, and is in danger of being repeated. The Yariques in the area of the Middle Magdalena River Valley have disappeared, while the Mutilones in the Catatumbo region (department of North Santander), and the Cofanes in the department of Putumayo have seen their numbers decrease substantially since the beginning of oil exploration. We were told that it is not only environmental damage, or the violation of territorial rights that affect indigenous communities, but also the influx of colonizers from other parts of Colombia who flock to oil-producing regions with the vague hope of finding a job. Oil exploitation not only destroys forests, but also salinizes soil and streams. Accompanied by the construction of infrastructure, including roads, camps, refineries, and pipelines, changes in land use are the result.

There are serious security concerns related to the oil industry.

- Guerrillas, trying to force the State to articulate a new national public energy policy, frequently blow up oil pipelines, causing not only losses for State coffers and foreign companies, but also irreparable ecological damage as a result of spills.¹⁷ Paramilitary forces have moved resolutely into areas with significant oil reserves, wreaking havoc on the civilian

¹⁷ According to a *Financial Times* (London) January 31, 2001 article, US Occidental has been the hardest hit. "The pipeline that carries oil from its Caño Limón field was last year (2000) bombed more than 90 times. The company declared "force majeure" at the field in August and could not meet export contracts because hardly any oil could be pumped. Overall production for the year was only about 90,000 barrels per day, compared with an expected 110,000 barrels per day, according to Occidental."

population. In order to guarantee operations, oil companies have contracted private firms, some of whose personnel have been known to work directly with the armed forces, providing information about civilians and guerrillas.¹⁸

- A *Financial Times* (London) article of January 2001 given to us by Colombian researchers points out that despite the number of new exploration and increased production contracts signed during 2000, there was a disturbing lack of participation by large, established international oil producers. The government's ability to provide security is a major concern for large companies; for small companies, it is even more onerous.

Representatives from Zonal Organization of Indigenous peoples of Putumayo (OZIP) in southern Colombia told us they are very uncertain about the long-term consequences for their communities of the activities of Alberta Energy in their territory and request help both in monitoring the situation and in developing their knowledge of negotiation. On a previous occasion when OZIP was negotiating with ECOPETROL (the Colombian State Petroleum Company) over the development of the San Juan Petroleum Block, the organization was warned by FARC guerrillas that if indigenous peoples opposed exploitation, OZIP would be responsible for paying the guerrilla the US \$80,000 tax they had imposed on the company. This threat had a debilitating effect on the community's negotiating position.

In another part of Colombia, in the northeast corner of the departments of Boyaca, Arauca and Northern Santander, the U'wa People's valiant struggles to protect their

culture from the devastation of Occidental Petroleum's insistence upon, and the Colombian government's acquiescence to, extracting oil from 'mother-earth', is a modern-day David and Goliath saga. It pits the U'wa's holistic and spiritual vision of community life and oneness with nature against the 'developed' world's unquenchable thirst for non-renewable fossil fuels and the corporation's drive for profits.

While it is true that the 1991 Constitution declares the State to be the permanent owner of the subsoil, it also prohibits the exploitation of natural resources on indigenous lands if it puts the social, economic, and cultural integrity of indigenous peoples at risk. As stated previously, ILO Convention 169 establishes the obligation of prior consultation with indigenous peoples regarding any administrative or legislative measure that directly affects them. It also specifies that indigenous territory includes the totality of the habitat used by indigenous peoples and not only that which is permanently occupied. However, after receiving testimonies from indigenous groups in Colombia, we realize such legislation is not being adequately implemented and that it provides insufficient protection against the irresponsible exploitation of resources within indigenous territories. Indigenous peoples have the right to refuse development projects within their territories if, after consultations, they decide that such projects are not in the communities' best interests.

A second situation that has seriously affected many indigenous communities refers to uncontrolled and irresponsible lumber operations. The OIA and the Organization of the Embera People (OREWA) reported that huge tracts of indigenous territories had become veritable deserts due to the irresponsible practices of lumber companies felling trees with no thought

¹⁸ British Petroleum was accused of providing night-vision goggles to a Colombian Army Brigade accused of committing human rights abuses against civilians.

for future growth nor the effect on the health of the land. With the resulting erosion, water sources dried up and the land became useless; indigenous peoples were deprived of their natural habitat; their food supply diminished; diseases became much more prevalent; and eventually, an entire way of life was destroyed.

2.3.2. LARGE-SCALE DEVELOPMENT PROJECTS

Mega-projects, such as hydro-electric dams, have also affected and uprooted communities. One such case, mentioned in depth in Section 3.6. of this report about the Embera-Katío People in the upper reaches of the Sinú River in the department of Córdoba, is related to the construction of the Urrá dam.

Indigenous peoples from the department of Chocó explained that much of their traditional territory is threatened by several planned transportation routes that would facilitate opening up this area extremely rich in biodiversity, forestry, and mineral resources, to private investors. Projected major highways connecting Venezuela and Colombia's Pacific Coast, and the Colombo-Panamanian border with the south, as well as a dry canal –an alternative to the Panama Canal– between the Atlantic and Pacific Oceans, increase the tension for indigenous peoples. While construction may not yet have begun, the potential value of the area attracts the presence of armed groups and investors who show little respect for peoples who have lived on the land for centuries. In the area of Juradó in the department of Chocó, despite numerous petitions and studies, we were told that the Embera territory has not been recognized by the last three federal administrations, ostensibly because Afro-Colombian communities would be affected. The problem, however, is more likely to lie with the possible future construction of the dry canal.

2.3.3. DRAFT AGRARIAN REFORM LEGISLATION

Proposed draft agrarian reform legislation would violate the territorial rights of indigenous peoples. It states that, in cases of intent to purchase land on behalf of indigenous peoples, proposals would be subject to approval of 'business production plans', a concept foreign to indigenous cultures. The draft law further proposes that rural communities would be involved in 'strategic alliance' with the agri-business sector in the promotion of 'strategic' development projects or 'principal activities' that would serve as a 'productive nucleus'. Presently, the proposal is on hold, pending the outcome of peace discussions between the government and the guerrillas since agrarian reform and land tenure are high on the negotiating agenda. However, the concepts may provide the basis for 'alternatives' in areas where extensive illicit crops are being eradicated. Indigenous peoples fear their cultural diversity will not be respected, that the obligation to recognize indigenous peoples' inherent right to territory will be undermined, and that their lands will be subordinated to the so-called 'alternative' development projects of specialized agribusiness ventures such as African Palm.

2.3.4. PROPOSED NEW MINING CODE

At the time of writing, June 20, 2001, the new Mining Code, mentioned to us on several occasions by indigenous representatives, appears to have been approved by the Colombian Congress, and includes an article which allows mines to be assigned to the person or entity that makes the first legal claim. This clause is interpreted as an open invitation to foreign companies to enter Colombia and is of major concern for indigenous peoples whose *resguardos* contain mineral resources, and who are not equipped for the legal battles such a clause implies.

In addition, the new Code includes several other contentious aspects: a) the exploration and exploitation time for private businesses will be increased from 30 to 50 years, renewable for another 25; b) the economic advantages for the private investor increase, while those of the State decrease; c) the new rates for royalties, tax, and tax exemptions for machinery imports is generous to the private sector operator; d) tax exemptions for certified environmental protection may be provided; e) if production levels decrease due to mine exhaustion, the operator may receive State compensation; f) initiatives related to the evaluation of the technical qualities of the mine and the expedition of the environmental licence remain with the operator—of particular concern for indigenous peoples; g) areas that today are classified as 'excluded' may be re-classified as 'restricted' in order to enhance mining opportunities. The Code lacks clarity with regards to the exploitation of natural resources in indigenous areas, and for this reason, the project may be challenged legally by ONIC.

2.3.5. AERIAL FUMIGATION OF COCA AND POPPY CROPS

During our meeting with ONIC, representatives from OPIAC (Organization of Indigenous peoples of the Colombian Amazon)¹⁹ explained to us that coca was traditionally known by indigenous peoples as a "leaf to be chewed". It was cultivated for personal use, not for purposes of commercialization. However, the insatiable demand from northern developed countries, accompanied by the sale of chemicals, has converted the traditional coca leaf into the "leaf of death". In addition, poppy cultivation, which has become a problem in some indigenous communities, is increasing, and Colom-

bia may supply as much as 50% of the North American opium market.

Aerial eradication efforts, financed by US military aid, form part of the Colombian government's current military, counter-narcotics, and development strategy – Plan Colombia. Herbicide spraying operations have destroyed legitimate crops and pasture, poisoned livestock, contaminated water supplies, and caused a variety of illnesses, according to testimonies registered with the local and national offices of the Colombian government's Human Rights Ombudsman. Fumigation of illicit crops has resulted in a loss of territorial autonomy for indigenous peoples, increased violence, and forced displacement as families seek food and safety after their crops have been destroyed. The director of the UNHCR explained that her office is following the cases of some 1,000 people displaced by aerial fumigation in the department of Putumayo alone. We heard and read "that spraying causes severe ecological damage including extensive defoliation of forested areas, habitat loss, increased fragmentation of intact forests, erosion of shallow soils, contamination of streams and rivers, and the poisoning of aquatic and mammalian life."²⁰ In addition, the monoculture of coca and poppy plants causes soil infertility, soil that is further endangered by the massive use of chemical fertilizers. In some areas, activities associated with drug trafficking have caused a significant increase in crime, particularly affecting indigenous youth and women. Fortunately, the use of a fungus, *fusarium oxysporum*, in the eradication programs, was suspended indefinitely by the Colombian Minister of the Environment, because of its unknown side-effects.

¹⁹ Organizacion de Pueblos Indigenas de la Amazonia Colombiana

²⁰ Report on the Activities of the Colombian Indigenous Delegation Regarding the Aerial Eradication of Illicit Crops and Plan Colombia, November 9-22, 2000.

Aerial fumigation is not the only response available. Governors from the southern departments of Putumayo, Nariño, Cauca, Caquetá, Huila, and Tolima have joined together to protest aerial fumigation. They have put forward alternative development plans, regional peace initiatives, and a proposal for the gradual, voluntary manual eradication of illicit crops. Instead of paternalistic, individualistic, one-time hand-outs of US \$1,000 as a way of providing for poor indigenous and peasant farmers who agree to manual eradication, the block of southern governors is pushing for a real alternative development plan for their region.

2.3.6. VICTIMS OF THE INTERNAL ARMED CONFLICT

However, it is undoubtedly the increasing intensity of the internal armed conflict that is the most devastating concern for Colombia's indigenous communities and that is placing them at greatest risk. Within the military mindset of the warring factions, the fundamental strategy is to intimidate indigenous communities through threats of force and the use of violence. Because the territories encompass strategic resources considered vital to the country's economy, as well as highly profitable illicit crops, they are increasingly vulnerable as armed groups vie for control over these resources. With complete disregard for the people who have lived on the land for centuries, all sides target indigenous peoples suspected of collaborating with the enemy, regardless of their stated position of active neutrality and their right to remain neutral in the armed conflict. Indigenous peoples are being pressured by the combatants to provide information with regard to locating enemy camps and transit routes, and there is an alarming increase in the incidence of selective killings, forced recruitment, massacres, threats, disappearances, internal displacement, and control over access to food.

With the intensity of the conflict, characterized by bloodier combat and increasingly greater impact on the civilian population, the disappearance of entire Peoples is possible. The unprecedented, constant pressure by the armed actors on the traditional forms of social, economic, and spiritual organization of Colombia's indigenous peoples is threatening to turn into genocide and ethnocide. No respect is shown for their sacred territories nor places of worship, and generally, we were told, the armed groups freely use their territories for the movement of troops and supplies, sometimes remaining inside their communities. Kidnap victims have been transported to indigenous lands. Guerrillas forcibly recruit indigenous men and youth (both male and female) for their superior knowledge of difficult jungle terrain and the myriad rivers and streams. Paramilitaries attack indigenous communities for alleged guerrilla sympathies. Cultural identity and customs are threatened as traditional elders are targeted for assassination and intimidation by both sides. The forced subjection of indigenous peoples is a strategy for control, and in the midst of this terror and horror, the Colombian State has done little to safeguard the most precious right of indigenous peoples – the right to live in peace on their territories.

The following statement was presented to us in a document from OPIAC:

"We are reminded of the United Nations concept of 'vulnerability'. It is a term used to characterize those civilian populations that are most susceptible to receiving the greatest impact in cases of armed conflicts, and having to do with, in one category, ethnic minorities. In the specific case of indigenous peoples in Colombia, this vulnerability is related to the context of generalized internal armed conflict. Half of the indigenous peoples in Colombia are highly vulnerable. They are on the road to

total extinction. They are under so much pressure that the reproduction of their organizational patterns, their ritual and mystical traditions, and their representative/authority relationships have been deeply affected and are headed towards complete destruction. In the current context of internal war in Colombia, indigenous peoples are experiencing genocide, understood as those acts of violence that carry with them the physical extinction of an ethnic group or specific people, ethnocide, understood as those forms of violence that eliminate the possibilities of reproducing cultures, and ecocide, defined as the extreme environmental degradation of the vital areas needed for the survival of indigenous communities as such".²¹

2.4. Canadian Involvement in Colombia

2.4.1. CANADIAN FOREIGN POLICY

Colombia has become an increased foreign policy concern for the Canadian government during the last two years, and Canada's policies towards Colombia have been shaped by divergent interests. Due to humanitarian concerns, the evolving importance of the human security agenda, an embassy active in several fields of endeavour (human rights monitoring, grass-roots accompaniment, cultural exchanges, peacebuilding, diplomacy, trade and investment); an overarching concern for illicit drug trafficking, corruption and security; a significant number of political refugees given asylum in Canada; the potential for trade and investment; and several years of lobbying, especially by Canadian churches and trade unions around the human rights crisis, Colombia has taken on a higher profile.

2.4.2. SUPPORT FOR PEACEBUILDING

Active Canadian support for the peace dialogues taking place between the government and the insurgent organizations is evident. Canadian diplomats in Colombia frequently take part in non-governmental activities, and are forthright in denouncing violations by all of the armed groups. Included in Canadian government support are: calling for an international humanitarian accord to be adhered to by all armed groups; negotiating a political settlement to end the conflict; and strengthening the institutions of government.

However, Canada should play a more active political role globally, specifically in distancing itself from Plan Colombia. The Canadian government seems to favour a quiet but engaged and compassionate diplomatic presence as the most effective approach. However, this lack of clarity is called into question by indigenous groups (see ONIC's letter to the delegation, page 35) who feel that the Canadian government's positive support for peacemaking and peacebuilding on the ground contradicts its neutral position regarding Plan Colombia, a major component of which is not about peace but rather extensive US military aid to the Colombian armed forces. According to several reports, Plan Colombia is also about guaranteeing the private sector, both national and transnational, control over natural resources, at any cost, and without consideration of previously-established rights over these resources. We were warned that Canadian companies must be monitored in this regard.

²¹ Latin American Association for Human Rights, OPIAC: *Genocide and Ethnocide as the Order of the Day*, October 2000.

2.4.3. TRADE WITH COLOMBIA

Although two-way trade with Colombia represents a relatively minor amount in global Canadian trade figures, it had been increasing until the recent recession in Colombia. With modest economic recovery in the Colombian economy possible during 2001, there is hope it will grow again. Colombia is Canada's fourth trading partner in Latin America after Mexico, Brazil, and Venezuela, so the significance of the trade relationship, especially for future developments, is not taken lightly.

Both Canada and Colombia actively support the creation of a Free Trade Area of the Americas (FTAA), a fact of some concern to indigenous communities, especially considering events in Mexico after the signing of the North American Free Trade Agreement (NAFTA). ONIC is monitoring the Mexican situation carefully. An Article of the Mexican Constitution, which declared the inalienability of communal or *ejido* indigenous lands, was repealed and the terrible consequences for rural indigenous communities in Mexico is a well-documented international story. Indigenous peoples fear that at any moment the same could happen in Colombia. Rumblings about the need for constitutional reform, related to FTAA-readiness, have not been publicly debated in an open and explicit manner. Since the FTAA, just as NAFTA, is about much more than commodity trade, indigenous peoples fear that their constitutional right to meaningful consultation when it comes to foreign investment on their territories may be further eroded. Powerful sectors in Colombia insist that the country needs to develop and that important resources located on indigenous lands that, according to the 1991 Constitution, cannot be transferred, sold, divided, embargoed, given to third parties, etc. need to be freed up for national and transnational investment.

2.4.4. CANADIAN PRIVATE SECTOR INTEREST INCREASES

Canadian private sector interests were mentioned as a concern on several occasions during our meetings with indigenous groups in Colombia; unfortunately, the references were often not explicit, and finally, we did not have the opportunity for formal and focused dialogue with Canadian private sector representatives while in Colombia.

Investment by Canadian firms in oil, telecommunications, agriculture and agri-food products in Colombia amounts to about US \$5 billion. Privatization and new royalty rules are making investment in Colombia attractive, and there is confidence among Canadian investors in the long-term stability of the Colombian regulatory environment.

It is the recent arrival of several Canadian oil and gas companies that is the 'good-news story' today. According to CENSAT, an NGO with whom we met that works closely with ONIC, Canadian oil companies have become significant investors in Colombia. The major oil find of the last 10 years, known as Guandó and located one hour from the capital city of Bogotá, is being developed by Nexen Incorporated (formerly Canadian Occidental Petroleum) and Petrobrás of Brazil. Again, according to CENSAT, other Canadian oil companies currently with association or increased production contracts in Colombia include Mera, Millennium, Kappa, Quadra, Talisman, and Alberta Energy.

Indigenous organizations insist that foreign investors in Colombia, especially in sensitive areas of conflict, must be aware of the political, economic, social and cultural realities they encounter; of the effects their presence has, or will have, on communities; and finally, of the demands of the people who live in the areas of

exploitation. Moving into highly conflictive areas, or areas with the potential to become highly conflictive, requires rigorous analysis, monitoring, and most especially, direct and transparent consultation with the people. Mapping exercises undertaken by Colombian community development and environmental organizations clearly indicate that struggles for territorial control between the guerrillas and the paramilitary are frequently related to significant economic interests or large-scale infrastructure projects. Throughout this report we have pointed out the horrendous consequences for indigenous peoples of the battles between guerrilla and paramilitary forces for territorial control in areas of strategic economic importance, with the State failing to take concrete action to control the devastation.

Direct Canadian investment in Colombia, frequently with the backing of the EDC (risk insurance, for example), is being actively encouraged, and while the Canadian government has few legal or judicial means to control unacceptable corporate activity, NGOs and indigenous organizations will undoubtedly become more informed and involved over the coming years. Indigenous peoples are not against investment per se, but they insist that the corporate sector behave in an ethical manner, that they be consulted on their own terms, that mutually-acceptable agreements be reached before work proceeds, that profits benefit those whose lives are affected by the investment, that environmental integrity be respected, and that if no agreement is reached that the project not go ahead.

Conclusion

Indigenous organizations have requested assistance in monitoring the behaviour of Canadian oil and other companies in Colombia. Sharing reliable information requires transparency and diligence by all concerned. As Canadian companies become increasingly involved in the potentially explosive Colombian situation, dialogue among company officials, affected indigenous communities, workers, government officials, and environmental and development organizations must be the starting point.²²

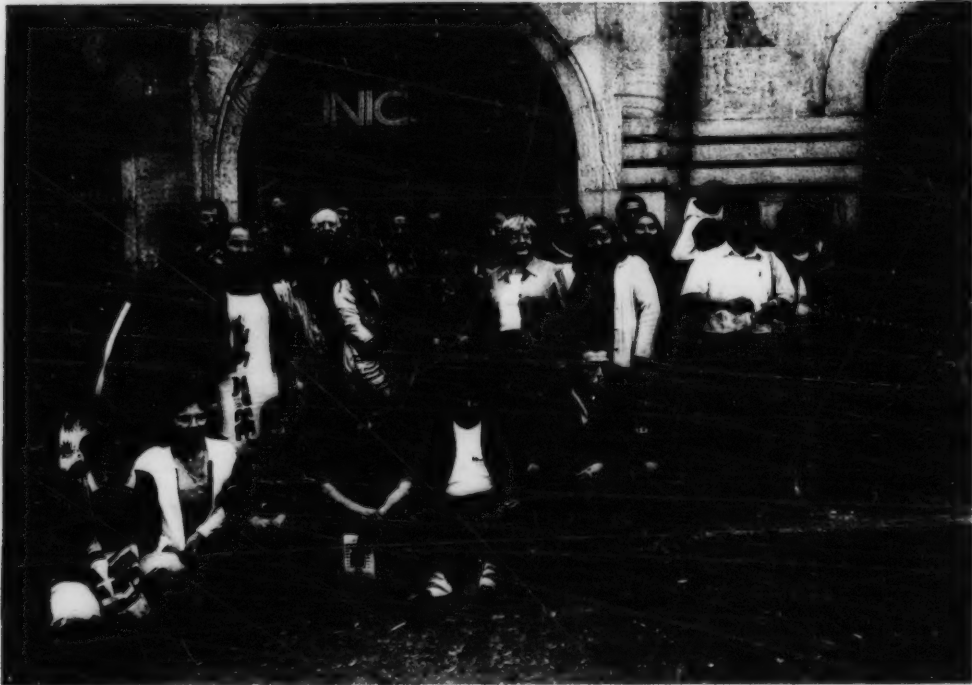
22 In a December 20, 2000 news release, the North American Regional Office of the International Federation of Chemical, Energy, Mine and General Workers' Union, welcomed a set of principles on security and human rights in the oil, gas and mining industries, announced jointly by the US Department of State and the UK Foreign and Commonwealth Office.



Mission delegates attend a presentation by ONIC, at the ONIC offices in Bogotá.



Delegates address the inauguration in Bogotá of a Canadian indigenous art exhibition.
Left to right: Guillermo Rishchynski, George Erasmus, Ghislain Picard, Lydia Hwitsum, Warren Allmand.



Mission delegates with members of ONIC, Bogotá.

SPECIFIC SITUATION OF SIX INDIGENOUS PEOPLES/REGIONS

It was impossible for us to hear testimonies from all indigenous communities in Colombia and to visit all of the geographic areas, where their struggles are significant. The following descriptions of six case studies (OPIAC-Amazon Region, Putumayo, Cauca and the Governor of Cauca, OIA-Antioquia, U'wa, and Embera-Katio of Córdoba) attest to the type, range, and degree of problems faced by indigenous peoples in Colombia. At the same time, they attest to the bravery, the capacity for resistance, the ability to act positively on the political scene, and the potential to construct a nation at peace and in harmony, with all peoples and with mother nature. The following information touches on only some of the issues, and in no way does justice to the multitude and magnitude of the complexities and challenges that Colombia's indigenous peoples will have to confront if they are to survive the present slaughter.

3.1. Amazon Region

Fifty-six indigenous nations live in the extensive *selva* of the Colombian Amazon Basin, an area that extends over six departments. The region is a fragile and remote jungle eco-system in south-eastern Colombia, populated by a scant and widely dispersed indigenous population. Ninety per cent of indigenous lands, signifying more than 25 million hectares, are located in the departments of Amazonas, Caquetá, Guainía, Guaviare, Meta (low jungle zones), and Putumayo, Vaupés

and Vichada (grassy plains and foothills). Over the centuries, missionaries, rubber tappers, oil companies, loggers, and narco-traffickers have caused serious deforestation as well as environmental and cultural havoc.

The approximately 80,000 indigenous inhabitants belonging to the Witoto People, the Cubeos, the Ingas, the Bora, the Muinanes, to mention but a few, belong to 16 indigenous regional and local organizations affiliated with OPIAC. Each nation is situated in a *resguardo*, some of considerable size. The process of organizing and legitimizing *cabildos* or *capitanías*, the local form of self government, is well underway, although in certain areas judicial recognition of territory and authority is still pending. In some cases, colonizers living within indigenous territories have not been offered a viable alternative from government, and in others, especially in the department of Putumayo, indigenous leaders told us that oil interests have affected judicial processes for the recognition of their traditional territories.

"In the 20th century, several historical factors have created sustained problems that threaten the survival of the people in the region. The oil industry has overrun many areas; in the mid-1950s and 1960s, Andean peasants fleeing political violence, migrated to the region, as national governments promoted agrarian reform policies that declared indigenous territo-

ries to be 'vacant lands'; and for 30 years, a bonanza of illegal crops has degraded vast areas of the region with mono-culture farming, pollution, and violence. Indigenous peoples have lost huge tracts of their territories due to all of these factors. Severe deforestation has destroyed their major sources of traditional plants and, as a consequence, threatens their culture and traditional healing systems with extinction".²³

OPIAC denounced the fact that the territories of indigenous peoples, tenuously acknowledged in existing legislation, had become a strategic objective for all of the armed groups: military and paramilitary, narcotraffickers and contraband smugglers, guerrillas and anti-guerrillas. Entire peoples have been forced into extinction and remaining groups subject to constant pressure on their social, economic, judicial, and religious traditions. "According to testimonies from indigenous peoples of the Amazon, the FARC imposes forced recruitment in such a way that each... family must give up one or two members to be incorporated into the guerrilla ranks. This imposition is made through military intimidation. Generally the recruits are young men between the ages of 14 and 35... but also indigenous women have been recruited."²⁴

Like their brothers and sisters in other parts of Colombia, indigenous peoples in the Amazon are trapped in the armed confrontation as the guerrillas (mainly the FARC) and the paramilitary vie for control of the lucrative coca and cocaine business from which both derive fabulous sums. Because the historic cause driving

the AUC is the elimination of the guerrilla, paramilitary presence has increased in parts of the Amazon region over the past 12 years. Extreme poverty coupled with aerial fumigation and guerrilla-paramilitary gun battles are forcing communities to push further into the jungle or to migrate to other parts of Colombia and neighbouring countries, especially Ecuador. State presence, which has never been adequate, is alarmingly precarious today. People are left to fend for themselves.

As with other indigenous organizations with whom we met during our mission, the members of OPIAC were very clear in their denouncements:

- a) the armed conflict in Colombia is putting the ethnic and cultural future of the Amazon Basin indigenous peoples at risk and is threatening their very survival;
- b) the armed conflict in which they find themselves involuntarily embedded is not of their making and is generating social and cultural instability within the communities as men and youth especially (both male and female) are forcibly recruited by the guerrillas;
- c) forced displacement in the area, due principally to the armed conflict but also to aerial fumigation, is further debilitating indigenous families, communities, territories, and autonomous organizations;
- d) the eradication of illicit crops by chemical spraying or biological control mitigates against ecological and environmental stability in the region;
- e) Plan Colombia is not solving the problem of narcotrafficking and frequently violates the basic rights of indigenous peoples.

23 *Gathering Of Shamans In The Colombian Amazon, Union of Traditional Yage Healers of the Colombian Amazon*; p. 23-24.

24 *Genocide And Ethnocide As The Order Of The Day: The Critical Humanitarian Situation Of The Indigenous Peoples Of The Colombian Amazon*; Report by the Latin American Association for Human Rights and the Organization of Indigenous Peoples of the Colombian Amazon

The indigenous peoples of OPIAC affirm their legitimate right not to be part of the war and they demand the actors in the armed conflict to respect their fundamental, constitutional, and political rights.

3.2. Putumayo: OZIP and the Indigenous Councils of the Valley of Guamuez and San Miguel

Putumayo is actually part of the Amazon Region mentioned above; however, due to the delicate situation in this department, as Plan Colombia kicks into gear, special mention is made. Despite Putumayo's biodiversity, which includes over 40,000 natural species, the fragility of its ecosystems, compounded by the presence of the coca subculture, narco-traffickers, all of the armed actors, and oil has resulted in environmental destruction, land concentration, and the displacement of indigenous peoples.

Indigenous peoples in this department bordering on Ecuador and Peru are undoubtedly among some of the most threatened in Colombia. They are currently afflicted by aerial fumigation of coca crops, by military battles between the FARC and the AUC for territorial control, by the notorious absence of the State and government presence in their communities, and by the arrival of multinational resource-extraction, especially oil, companies. The Inga, Kamsa, Kjofan, Siona and Witoto Peoples are considered to be at high risk of extinction, while no one from the Coregaujes and Embera-Katio Peoples remains in the area after several massacres and migration to Ecuador. Representatives from indigenous peoples' organizations in Putumayo vehemently denounced the forced recruitment of indigenous youth. The former are familiar with the rivers and wetlands of the *selva* and are very adaptable to the adverse conditions of the area. Since control over river transport is paramount for

the administration of the cocaine trade, as well as for troop movement, young indigenous men and women come highly recommended to the warring factions. In fact, witnesses told us that during recent fighting, the majority of FARC combatants were young indigenous men and women. The cruel assassination in January 2001 of the Cofan leader and Vice President of the Foundation of Traditional Authorities, Pablo Emilio Díaz Queta, presumably by paramilitaries, was an indication of the fragility of the situation.

Plan Colombia was a final blow. The US government's determination to eradicate 60,000 hectares of illicit coca crops within 10 months flies in the face of initiatives by municipal and departmental governments to consolidate voluntary gradual eradication and alternative crop substitution. It is evident that such plans would require more than two years to complete and would cost significantly more. However, the US has no time to wait since part of its strategy is to weaken the FARC. Between December 22, 2000 and February 2001, the Colombian government, with new military hardware from Plan Colombia, and the support of recently US-trained anti-narcotics battalions, ordered the armed forces to begin aerial fumigation with a chemical known as glyphosate, often referred to by its commercial name, 'Roundup'. Reportedly, some 30,000 hectares were fumigated. This is a sophisticated operation with advance planes, fumigation planes, armed helicopters and thousands of professional soldiers. The spraying takes place at close range, and indigenous peoples from the area, in their deliberations with the delegation, denounced the destruction of basic food crops and animals, health problems, ruinous environmental results, and contaminated water sources, and a general loss of livelihood.

The US government insists that only large commercial crops are being fumigated, in

contrast to the many direct testimonies and eye-witness accounts from victims in the area. As proof, we were given carefully elaborated lists from several communities in the municipalities of Puerto Leguizamo and Puerto Guzman of each family's losses, including the number of hectares or animals, as well as the exact date of the fumigation. However, as one local leader told us: "Washington needs results, and Washington deposits the cheques".

The National Ombudsman (*Defensor del Pueblo*), Mr. Eduardo Cifuentes, led an investigation to the area to corroborate complaints from indigenous communities in Orito, La Hormiga and San Miguel. The team reported that aerial fumigation, until January, had caused grave damages to crops and animals, and recommended that anyone wishing to use manual eradication be spared, that compensation be paid, that emergency conditions caused by the spraying be attended to, and that fumigation be suspended until such time that government institutions were able to co-ordinate efforts to spare small farmers. Since this State-abandoned and impoverished area of Colombia offers little in the way of viable economic alternatives, people, in desperation, move further into the Amazon jungle or to the Pacific Coast in order to continue growing the only crop that allows them to survive. Narcotraffickers with large amounts of cash, backed by guerrillas and paramilitaries, spur them on.

Oil Exploration/Exploitation

According to CENSAT, Putumayo is one of the regions where a large number of oil concessions have been awarded. Of considerable concern is the environmental and cultural fragility of the area. Oil infrastructure and the oil pipeline that runs through Putumayo to the port city of

Tumaco on the Pacific Coast (department of Nariño) have been attacked 140 times between 1991 and December 2000 causing losses of more than 25 billion pesos.²⁵ This is the situation into which Alberta Energy has moved, one which OZIP asked us to monitor and to help them with the technical aspects of negotiation.

3.3. Cauca

Cauca is the department with one of the largest concentrations of indigenous peoples in Colombia. It constitutes one of the country's poorest, and it is here where indigenous peoples have best organized to defend their collective and territorial rights. Cauca has almost 300,000 indigenous, among them Paez, Guambiano, Yanacona, and Coconuco Peoples, and Embera People on the Pacific Coast. There are 115 *cabildos*. On several occasions we were told the CRIC²⁶ is like a mother-figure for indigenous organizations in Colombia, an inspiration to those struggling for their rights.

As CRIC members have struggled to defend their territories, their cultures, and their community programs – in the midst of a cruel war of which they are victims from all sides – approximately 515 members had been assassinated during the journey, most of them community and regional leaders, CRIC leaders reported. During the last 30 years, nearly 60,000 hectares of land have been recovered; however, outstanding claims are no longer being processed because the State authority responsible for rural land issues, INCORA, claims it has insufficient resources.

The 11th Congress of the CRIC, attended by over 5,000 indigenous peoples, was held between March 26 and 30, 2001 in the area of La Maria in the Municipality of Piendamó, an area designated as a

²⁵ Vargas, Ricardo: *Putumayo, Una Crisis de Estado*; www.usfumigation.org

²⁶ Consejo Regional Indígena de Cauca

territory of peaceful coexistence (*Territorio de Paz y de Convivencia*). Anatolio Quirá, a founder of CRIC, former Senator of the Republic, and the newly-named legal representative of its governing council explained the major points of the CRIC platform to us:

- Recovery of traditional territory;
- Strengthening of the *cabildos* and all traditional forms of governance;
- Raising awareness of legislation affecting indigenous peoples and ensuring its application;
- Extension of legal indigenous properties known as *resguardos* and refusal to provide payment in labour in exchange for the use of land;
- Defence of history, culture, language and customs and the preparation of bilingual indigenous teachers;
- Strengthening of community economic development programs;
- Defence of natural resources;
- Recognition and strengthening of the role and participation of women;
- Special programs for youth and children.

CRIC is not only concerned with protest and denouncements but also with long-term, life-sustaining strategies related to agricultural development, an indigenous university, indigenous environmental protection, and legislation to protect indigenous rights. These plans, as in other indigenous areas of Colombia, have been given the simple but meaningful name, Plans For Life (*Planes de Vida*) and they constitute an effort by indigenous peoples to touch their roots, involve the entire community, articulate their cultural values, and imagine their dreams for the future.

CRIC members reiterated their support for a negotiated political settlement to the internal armed conflict. On repeated occasions, we were told they reject the presence of each of the armed actors on their territories. They insist that indigenous peace-

building proposals be taken into account by other organizations in civil society, as well as by members of the Colombian government and guerrillas, and the international community, working on a negotiating agenda. They reject aerial fumigation of illicit crops on indigenous territories, and request that the CRIC's plans for gradual, voluntary, manual eradication, and the local Plans for Life be respected.

A new development in Cauca is the alarming increase in paramilitary presence. The guerrillas have for a long time also had significant presence in the department and their history with indigenous communities has frequently been one of disrespect for territory and culture. Today, however, hundreds of indigenous peoples are wildly accused by the paramilitary of being guerrilla sympathizers and consequently, as 'legitimate' military targets. Several massacres have been committed and there are almost daily reports of assassinations. Indigenous peoples have been obliged to leave rural areas—some of the displaced survive in makeshift camps. Between September 2000 and March 2001, the CRIC indicated that approximately 120 people had been assassinated, as the paramilitaries and the FARC guerrillas fight for territorial control. The worst of paramilitary violence to date was perpetrated during Holy Week along the Naya River near the Pacific Ocean bordering Valle de Cauca, the next department to the north. It is impossible for indigenous authorities to enter the area and reclaim their dead. The Ombudsman's Office has officially recognized the assassination of 40 people but the real fear is that upwards of 100, mostly indigenous, may have been massacred. The CRIC and ONIC are taking this case to international human rights bodies and are requesting international support for their action.

However, in the midst of conflict and crisis, Colombia elected its first indigenous governor in the department of Cauca in October 2000.

The *Taita* (wise one, elder), Floro Tunubalá, as he is affectionately known by his many supporters, was declared a paramilitary target. His Cabinet and closest supporters have also received the same threats.

Floro Tunubalá's victory was a long time in the making. The CRIC had become one of Colombia's strongest indigenous organizations, while Afro-Colombians in the northern part of the department had developed impressive organizing skills, as had rural peasants in more southern parts. The formation of political movements – Social Indigenous Alliance (ASI) and Indigenous Authorities of Colombia (AICO) – also helped to pave the way. Blockades of the Pan American highway, the major road connecting Colombia to the rest of South America, by popular organizations demanding minimum government services, constituted a school of learning. According to the Governor, it was this combination of factors that led to his historic victory.

However, governing is a complicated issue. The internal debt in the department, accumulated by previous regimes, stands at 40,000 million pesos (approximately US \$20,000,000), meaning that nearly all departmental income is spoken for. The new governor's hands are tied – he cannot make autonomous decisions. Governor Tunubalá is also concerned about the effects of Plan Colombia on the communities. While the public health consequences of drug addiction anywhere are of concern to *Caucanos*, the Cauca government believes any response to this scourge must be holistic in nature and certainly not military. He told us that aerial spraying for the purpose of eradication does not

offer a long-term solution. Real alternative development strategies for impoverished peasants and indigenous peoples are required.

Hopefully, national and international support will be available for the proposals the *Taita* and his team are developing for Cauca. In conjunction with the Governors of other southern departments (Nariño, Huila, Tolima, Caquetá, and Putumayo), the *Taita* is working to share points of view concerning the military aspects of Plan Colombia and US drug policy in the region, to elaborate alternative development plans, and to develop criteria that will permit a negotiated settlement to the armed conflict.

3.4. Antioquia

The department of Antioquia is located in northwest Colombia, and with five million people and significant economic development, it commands considerable political attention in the affairs of the nation. Only 16,000 indigenous peoples are to be found among the department's inhabitants on approximately 300,000 hectares of land. When the Spanish conquerors arrived five centuries ago, there were nearly half a million indigenous peoples; the near-genocide of the past is more than a shadowy memory today. The Indigenous Organization of Antioquia (OIA) is struggling to prevent the extinction of its members.

The Embera are the most numerous indigenous peoples in the department of Antioquia, and indeed inhabit a huge corridor that extends all along the western coast, from the border with Panama in the north to Ecuador in the south, as well as in low-lying areas on the western slopes of the western Andean Mountain *cordillera*. There are now approximately 350 organized Embera *cabildos* in Colombia, 72 of them in Antioquia. Other indigenous families in Antioquia are much smaller. The

Senúes, one of the most advanced pre-Colombian civilizations, are located in the northern tip of Antioquia in Urabá; and the Tule or Kuna People whose territory was fractured when Panama was taken from Colombia at the beginning of the century, now live in a small community on the Panamanian/Colombian border.

Struggles to recover their usurped territories have been long and arduous. The disastrous effects of the dissolution of the *resguardos* and the invasion of their lands by peasants, miners and fortune-seekers during the first half of the 20th century, relegated indigenous peoples to the most inhospitable parts of the department with little access to other more-populated areas. The effects of this internal colonization worsened their situation. The incidence of disease and death rose sharply as did the number of internal community conflicts. However, encouraged by the results of the struggles of indigenous peoples in Cauca, the formation of ONIC in 1982, and the recovery of the *Cristiania resguardo* in Antioquia, indigenous peoples formalized the constitution of the OIA in 1987.

Once again, as in other areas of Colombia, control over biodiversity riches, transportation routes, forests, hydraulic resources, and mineral wealth is one of the principal sources of motivation for today's on-going confrontation between guerrillas and paramilitaries, the latter aided and abetted by armed forces personnel. Insisting on their right to remain neutral towards the armed groups, indigenous peoples in the department of Antioquia, especially the Embera, have nevertheless been consistently victimized. In 1994, they declared they would not accept forcible recruitment and that neither the army, nor the guerrillas, nor the paramilitaries would receive information from them. Although the departmental government works closely with the OIA to develop and implement strategic plans, the national

government has done little to guarantee the preservation of the department's indigenous population.

Indigenous peoples and their supporters have been subjected to homicides, threats, kidnappings, forced disappearances, and massacres, as well as to the theft of their communally and individually owned animals, household goods and crops. As one armed group gains control over territory, whether of a permanent or temporary nature, restrictions on movement from one community to the next are imposed, terror and division are sown within and among communities, the authority of traditional leaders, healers and teachers is undermined, and young men are taken away to fight for one side or the other. Malnutrition has increased, medical attention has become almost impossible, and on-going illness is taking a huge toll among children. Threats and pressure maintain communities in a permanent state of panic, while the implementation of Plans for Life are stalled. However, most chilling is the fact that until June 2000, 63 indigenous leaders had been assassinated in the department and 18 communities forced to join the swelling ranks of Colombia's displaced population. Genocide and ethnocide is a frightening possibility.

As a response to this devastating situation, the OIA initiated its campaign, *Let the Embera Live*, which addresses the following:

- The untenable situation among Antioquia's indigenous peoples, especially the Embera, provoked by the armed conflict; threats, attacks and assassinations endanger the cultural, physical, and organizational survival of indigenous communities and could very well constitute genocide against the Embera People.
- Support for Antioquia's indigenous peoples to avoid involvement in the armed conflict and advocacy that the armed

groups sign humanitarian accords with the OIA and the indigenous authorities of Antioquia.

- Respect for the OIA's inherent right to conduct its activities and autonomously define its own development according to its Plans for Life.
- Rejection of the use of indigenous territories for mineral exploitation and the construction of large infrastructure projects without previous consultation with, and approval by, indigenous peoples.
- An end to criminalization of social protest and an end to the armed conflict through a negotiated political settlement.

3.5. The U'wa

The U'wa, a traditional People of some 5-7,000 members, are to be found in a cloudforest homeland in north-eastern Colombia near the Venezuelan border in an area bordering on the departments of Northern Santander, Arauca, and Boyacá. Their territory encompasses one of the most endangered forest ecosystems on the planet and they are presently involved in a life-and-death struggle to protect their traditional culture and sacred homeland from an oil project being developed by the US company Occidental Petroleum. Although we did not meet directly with the U'wa, substantial documentation was received from ONIC regarding their plight, and because their struggle is illustrative of others, some basic information is included.

The U'wa's opposition is so strong they have vowed to commit collective voluntary suicide if drilling for oil goes ahead. A core tenet of their spirituality is the belief that oil, which they know as *ruiría*, is the blood of Mother Earth, and to take the oil is to kill the Earth, after which no one will live. They say they prefer to die by their own hand than to endure the slow death

that oil will bring to their environment and their culture. This David and Goliath struggle has caught the imagination of many as the U'wa's right to autonomously determine the type of development appropriate for their territory takes on corporate America's rush for profits and the developed world's thirst for fossil fuels.

Occidental Petroleum first received the go-ahead to explore in the area—expected to contain approximately 1.4 - 2 million barrels or a three-months US supply—in 1992. During the last five years, the U'wa have led a massive international campaign to stop the company from drilling. They have been involved in a variety of actions including the filing of lawsuits against the government of Colombia, petitioning the OAS to intervene, appealing directly with Occidental's top executives, and reaching out to company shareholders. Despite decisions by Colombia's Constitutional Court in favour of the U'wa, the government gave the go-ahead, a drilling licence was awarded, and rigs moved into the area. Article 63 of the Colombian Constitution states that the communal territory of ethnic groups is inalienable. But what happens when there are billions of dollars at stake?

The U'wa believe that oil and violence are intricately linked. Just to the north of their territory is Occidental Petroleum's Caño Limón oil field and its pipeline which has been attacked by guerrillas more than 500 times in the last 15 years, spilling nearly two million barrels of oil into the soil and rivers. The paramilitary have moved in to take control of the area. The FARC were responsible for the assassination of three US citizens, two of them indigenous, who were working to support the U'wa cause.

The U'wa are literally fighting for life with the arms of peace, truth, wisdom and the force of reason, in addition to the legal instruments at their disposal. They

are willing to die for their values, for the defence of their culture.

3.6. The Embera-Katio

The Embera-Katio from the northern department of Córdoba, headquarters of the paramilitary group AUC, live along the upper reaches of the Sinú River where much of their land overlaps with the National Paramillo Natural Park. The approximately 3,000 Embera-Katio People are organized in Minor *cabildos* which in turn are grouped together in three Major *cabildos* responding to the major waterways—the Sinú, Verde and Esmeralda Rivers. The Embera-Katio *resguardo* was officially recognized in December 1998.

Until the construction of the huge Urrá hydroelectric dam, "the river, its tributaries, marshes and wetlands were incredibly rich in biodiversity, with many, many species of fish and animals," reported Kimy Pernía Domicó, representative of the Embera-Katio, during his presentation to the Canadian Parliamentary Hearings on the Export Development Act conducted by the Standing Committee on Foreign Affairs and International Trade on November 16, 1999.²⁷ "The Embera-Katio depended on the rivers for fish and a balanced diet until the dam brought death to the fish, members of the community, especially children, and to leaders who protested or challenged the dam," Kimy continued.

In 1994, the Embera-Katio began organizing to resist the irrational exploitation of timber and irreparable damage to the environment, as well as the construction

of the Urrá Dam. Unfortunately, due to the complexity of the situation and the playing off of private commercial interests, the Embera-Katio People divided, and several communities, especially those along the Esmeralda River, eventually formed the Alliance of Minor *Cabildos* of the Esmeralda River and the Sinú Fraction. The testimony we heard reinforced the same message: the Urrá Company and the Colombian Ministry of Indigenous Affairs used underhanded tactics to divide the communities. They were offered a small amount of money in exchange for agreeing to the dam and some Embera-Katio were pressured to accept. But many were clear that no amount of money could compensate for the irreparable damage to the environment, their way of life and the loss of food security.

Several hours of testimony from community spokespeople and further conversations with the Minister of the Environment revealed to us that indigenous communities were never adequately consulted about the construction and operation of the dam—a violation in itself of the Colombian Constitution and international covenants. In 1998 a temporary injunction against the filling and operation of the Urrá Dam was won when the Constitutional Court declared that indigenous peoples had not been sufficiently consulted about the impact it would have on their lives.²⁸ However, eventually, after more legal wrangling and tedious proceedings, the decision was taken to fill the dam, and the damage was done.

More organizing, including a four-month occupation of the grounds of the Ministry of the Environment in Bogotá, resulted in some agreements for reparation. In order to compensate for lost lands due to

27 The Canadian EDC made an \$18.2 million dollar contribution to the Urrá Dam project for the sale of construction equipment and services. Canadian human rights organizations such as the Inter Church Committee on Human Rights in Latin America, unions, and Amnesty International have been active in bringing this issue to the attention of the Canadian public and parliamentarians.

28 The first licence was for the construction of the dam only. It did not include any study of the actual impact on people and the environment of the filling and operation of the same.

flooding, the Urrá Company is required to purchase additional land to be annexed to the existing *resguardo*. Supplementary income for 50 years, to be administered through a fiduciary agreement, is to be provided by the Urrá Company to the *cabildo* in two payments. Compensation for the loss of food and transport due to the construction of the dam is to be paid to each community.

Although the construction of Urrá II appears to have been shelved, the situation for the Embera-Katio of the Alto Sinú is dramatic. The presence of large infrastructure projects automatically attracts disputes for territorial control among the different armed groups and, in this context, Alonso Domicó was assassinated in 1998. According to documents we were given, 11 Embera-Katio leaders have been killed, six by paramilitary forces and five by the FARC since 1998. The forced disappearance of Kimy Pernía Domicó is not included in these figures, and since the mission's return to Canada, a further leader, Alirio Pedro Domicó, was murdered in late June 2001, apparently the victim of paramilitary forces. In addition, three community members have been assassinated by the AUC and the FARC. Several others have appeared on hit-lists.

Boats have been set on fire as people attempt to attend meetings and community members have been detained at check-points. Drivers are obliged by armed groups to transport food and other goods, and the territory of the indigenous peoples is used as a transportation corridor. Armed groups, legal and illegal, establish base camps inside Embera-Katio territory, placing everyone in the community at risk. Both the paramilitary and the FARC involve indigenous peoples, including indigenous youth, among their combatants, increasing the vulnerability of families and communities as a whole. According to testimony we received, the

FARC has prevented a census from being taken in the area, a census that is required for the implementation of compensation plans and the Plans for Life. Tools and inputs for the Plans for Life have been burned and confiscated by paramilitary. And finally, the illegal armed actors are interfering with a process to re-unite the Embera-Katio People in the area. Forced displacement continues to pose a serious threat.

The Embera-Katio are clear that they are not against development. However, as Kimy continued in his testimony before the Parliamentary Standing Committee, people should have been adequately consulted, in this case, before the dam was built and filled, and not after the fact. He insisted that in the future there must be broad and transparent consultation with those who will be affected by projects of this nature before any decision to proceed is taken. Independent and credible studies of the economic, social, cultural and environmental impacts must be carried out before the project is approved. Nothing can go ahead unless there is agreement. The dedication of this report to Kimy Pernía Domicó is our conviction that his and his Peoples' struggles have been both wise and just.

CONCLUSIONS AND RECOMMENDATIONS

CHAPTER 4

4.1. Recommendations from Indigenous Peoples to the Delegation

The needs of Colombia's indigenous peoples are enormous; the potential for support is limitless. Many of the requests for support were quite similar. In the following paragraphs, we have tried to group together the most salient.

4.1.1. FROM ONIC

The letter presented to us by several members of ONIC's Executive Committee during our final meeting in Colombia contains four specific recommendations. It is reproduced here in its entirety.

June 2, 2001

Dear Friends, Brothers and Sisters,

The National Indigenous Organization of Colombia is profoundly grateful for your presence in our country and on our territory. We understand that we are not alone, that there are hearts, minds and hands that like our own are trying to reach out to touch our ancestors in the stars and the planets. Convinced of this, may we be so bold as to request that you continue to accompany us in tasks that are fundamental to our existence and the very survival of life.

As indigenous peoples we face a number of challenges that threaten our political, cultural, and territorial integrity that you have

had the possibility of sharing. In Canada, it is possible to provide follow-up to some of these situations, on the one hand where Canadian interests are involved (especially economic) that intensify the conflict, and secondly, for the explicit interest, expressed by Canadian institutions and organizations like yours, in helping us to find solutions to the problems.

For this reason, we believe it is extremely important that the Mission made up of the AFN, Rights & Democracy, and the Canadian Parliament, take action on the following points:

- 1. Denunciation of the violent nature of, and the violation of human and territorial rights induced by Plan Colombia. There are numerous examples of how this Plan is directly affecting indigenous territories, and as a consequence, the health and existence of indigenous peoples, as has been the case with fumigation in Putumayo, and on Awa, Bari and Koreguaje Territories.*
- 2. To remain attentive to next steps in the Colombian Congress as the proposal for a new Mining Code is processed through legislative discussions, especially given the Canadian capital interests in mining, particularly in the Naquen Hill area, sacred territory of the Curripaco People. The text of this new Code violates the rights of a large percentage of the people of Colombia. In the case of indigenous peoples, although our legitimately acquired and legally recognized rights are*

directly affected, no prior consultation has been held with us. The requirement for such consultations has been duly recognized in international treaties such as Covenant 169 of the International Labour Organization.

3. **Work together with other Canadian organizations and with ONIC in the implementation of an Observatory for overseeing projects that are financed with Canadian capital and that are generating human rights violations, territorial violations, and the presence of armed actors.** We are particularly concerned about the situation of the Embera-Katio People of the Alto Sinú River area where scenes of violence against the indigenous and peasant populations of the area become more serious every day.
4. **To establish, along with ONIC, a specialized team for lobbying and judicial action at the Organization of American States and the United Nations with the view of taking the necessary steps to ensure that the Colombian State assumes responsibility for its flagrant omissions in the case of the Alta Naya River area.**

The possibilities to work together are many, and with your support, we would like to concentrate on what we have presented above in order to provide effective follow-up.

Sincerely;

Armando Valbuena Goauriyu, President

Clemencia Herrera Nemerayema, Culture Co-ordinator

Adelaya Alvarez, Co-ordinator of Projects and Finances

Rosalba Jimenez Amaya, General Secretary

Ruben Suarez Estellar, Health Co-ordinator

Alberto Achito Lubiaza, Co-ordinator of Territorial Affairs

4.1.2. FROM OTHER ORGANIZATIONS

- a) Support for OIA's campaign *Let the Embera Live*, designed to stop the genocide of the Embera. This genocide will only end if a huge torrent of national and international opinion is generated, forcing armed groups to negotiate and to sign a humanitarian accord respecting the integrity of indigenous peoples, their territory and their autonomy. We are asked to join the *Network of Friends of the Embera* and to denounce their extremely precarious situation.
- b) Permanent humanitarian accompaniment is urgently needed in the most vulnerable communities in order to resist the continuous pressure and aggression, while regular humanitarian missions are required in many other areas. Colombian and international sister organizations, as well as government organisms, need to be mobilized to accomplish this task. The Embera-Katio *resguardo* of the Alto Sinú presented us with a formal petition for *in situ* accompaniment for a minimum of one year, from July 2001 to July 2002. The proposal includes the formation of an international humanitarian presence team and co-ordination of this team by one international non-governmental organization. In co-ordination with the *cabildo*, the international team would ensure that two non-Colombians were permanently *in situ*, the suggested length of stay being two months per person. The resources required from international sources for the implementation of the project is US \$28,460. Based on a signed agreement with the *Mayor Cabildo* of the Sinú and Verde Rivers, the central government would provide the required political support for those providing the presence. Likewise, although no formal discussion was held while we were in Colombia, participation in humanitarian mis-

sions to the Sierra Nevada of Santa Marta and the Perijá Hills in northern Colombia was requested in writing by several organizations, both indigenous and non-indigenous.

- c) In view of the general lack of public awareness of the multitude of threats, especially that of extinction, confronting Colombian indigenous peoples, the latter request our efforts to publicize their situation and the dangers they face. Public awareness on the subject is vital to indigenous peoples' survival. Educational work in this vein must be developed with the consent of indigenous communities themselves. We were also asked to support an international lobby effort to ensure that the particular effects of the armed conflict on indigenous peoples, their territories and culture be made explicit at every opportunity possible during peace talks between the Colombian government and the guerrillas.
- d) CRIC requested general support for their request to the Colombian government to create and guarantee the conditions for a permanent territory for peaceful coexistence and dialogue in the *resguardo* La Maria, Piendamó, Cauca. Such an area would permit a permanent space for negotiations around issues related to peace as they affect indigenous peoples, and would constitute a safe place for permanent consultation among indigenous groups regarding a multitude of war and peace issues. This would be like a demilitarized zone where the security of the area for indigenous peoples would be guaranteed.
- e) A specific request from OZIP is related to their need for on-going monitoring of exploration and exploitation activities by Canadian oil companies in their territories in the department of Putu-

mayo; they likewise requested training with Canadian indigenous organizations that have knowledge and experience in negotiating with Canadian oil companies.

4.2. Conclusions and Recommendations from the Delegation

After only one week in Colombia, we were shocked by what we did learn, and humbled by how much we still do not know. The following conclusions and recommendations constitute a modest contribution towards continuing and expanding dialogue in Canada about the situation of Colombia's indigenous peoples and to supporting follow-up initiatives in coordination with Colombian indigenous organizations.

- a) We call upon the Canadian government and the international community to use every means and space available to denounce the gravity of the situation facing the survival of Colombia's indigenous peoples and that their specific concerns and proposed solutions be acted upon.
- b) We furthermore urge the Colombian government and the international community, especially those "friendly" countries, including Canada, chosen to accompany the current peace processes between the Colombian government and the insurgent organizations, to ensure that indigenous peoples are actively and meaningfully engaged in current and future peace discussions, dialogues and negotiations.
- c) The right of indigenous peoples to exercise active neutrality in the conflict must be respected. We offer support to national and international campaigns to pressure all armed groups to desist from forcible recruitment and

to respect all rights of indigenous peoples.

- d) The Colombian government must ensure that any agreements on human rights and humanitarian law, in the context of the on-going armed conflict, take into account the specific needs of indigenous peoples.
- e) The Colombian government must do all possible to prevent the displacement of indigenous communities in order to preserve their territories, culture and life itself. When displacement has occurred, every effort must be made to guarantee safe return to their territories.
- f) The Canadian government should take a clear position against the dangerous military build-up financed by resources from the US government for the Colombian armed forces through Plan Colombia. Canada should work with other members of the international community to assist the Colombian government in the elaboration of a development plan based on peacebuilding, consultation with civil society, including indigenous peoples, transparency, and local development.
- g) The Canadian government should use its good offices with the international community to insist on the suspension of aerial fumigation of illicit crops in indigenous territories. Canada should also advocate for the serious evaluation and implementation of proposals for gradual, manual, voluntary eradication, combined with realistic development proposals, elaborated with the active and meaningful participation of affected communities.
- h) We urge the Canadian government to ensure that specific ethical and operational guidelines for investment by the Canadian private sector in Colombia, a country in the midst of violent armed conflict, be elaborated and clearly adhered to. Additionally, we request that an annual report regarding the activities of Canadian corporations, especially those involved in the extractive sector in Colombia, be made public.
- i) Canadian citizens and organizations concerned with the plight of indigenous peoples in Colombia should recognize their public responsibility to monitor the direct effects on indigenous communities of the operations of Canadian companies, especially those involved in the area of resource extraction. Indigenous organizations have specifically asked us to monitor the activities of a Canadian oil company in Putumayo and those of a further Canadian company involved in gold ore extraction in the Serranía de Naquén, in the department of Guainía, with direct effect on the Curripaco People.²⁹
- j) We are committed to facilitating support for OZIP in their request for technical assistance to better prepare for the process of negotiation with Alberta Energy, and with other oil companies currently in the area, or that may arrive in the future.
- k) We will join our voices and efforts to those of other groups in Canada with a long history of support for the Embera-Katio People in Córdoba, to ensure that commitments made to them by the Colombian government and the Urrá Dam Company are met. We consider

²⁹ Guainía has a population of 12,970 indigenous people belonging to four ethnic groups, of which about 50% are Curripaco People. In this department, bordering with Brazil, 95% of the population is indigenous and it is here where significant reserves of gold are being negotiated with foreign companies.

this a high priority, especially given the prior involvement of the Canadian EDC in this ecological and human disaster.

- l) We commit to discussing with other Canadian and international organizations, the Canadian Embassy in Colombia, and the appropriate international bodies requests for monitoring presence missions in indigenous territories. However, it is clear that in such a complex and violent situation, an international action of this type requires serious forward planning to ensure adequate protection for all concerned.
- m) We encourage special attention be paid to the needs and proposals from Colombian indigenous women, beginning with an analysis of the conditions they face and the specific manner in which the armed conflict is affecting their lives, families, and communities. This work should be co-ordinated through ONIC as was outlined to us by the executive during our final working session, and should terminate in a national workshop of indigenous women as was verbally requested. We demand that the case of the disappearance of Kimy Pernía Domicó be immediately clarified by the Colombian authorities.
- n) We are committed to presenting the situation of Colombia's indigenous peoples as described in this report to the Working Group on Indigenous Populations at the United Nations.
- o) We demand that the case of the disappearance of Kimy Pernía Domicó be immediately clarified by the Colombian authorities.

- p) And finally, as individual members of the delegation, and as representatives of Canadian organizations, we are ready to enter into discussion with the Canadian government, the Department of Foreign Affairs and International Trade, and the Canadian International Development Agency, concerning the conclusions of our mission.

ANNEX 1

NGOs, Government Ministries and International Organizations in Colombia with whom the Mission met

National Organization of Indigenous Peoples of Colombia (ONIC)

Organización Nacional Indígena de Colombia
Calle 13 #4-38
Bogotá, Colombia
Tel: (57) (9)* 1 284-2168, 284-6815, 281-1845
Fax: (57) (9) 1 284- 3465
Email: onic@colnodo.apc.org

Regional Council of Indigenous Peoples of Cauca (CRIC)

Consejo Regional Indígena del Cauca
Calle 1 #4-50
Popayan, Cauca
Tel: 57 (9) 2 824- 2153, 824- 2549
Fax: 57 (9) 2 824- 0343
Email: cric@emtel.net.co

CAMIZBA Traditional Indigenous Authority of the Low Atrato Region

CAMIZBA-Cabildo Mayor Indígena de la Zona del
Bajo Atrato
Victor Carpio
Tel: 033 426 5852 (cell) community

Organization of Indigenous Peoples of the Colombian Amazon (OPIAC)

tel: 57 1 282 6010

Organization of Indigenous Authorities of Colombia (OAI)

Indigenous Peoples of 'Upper' Putumayo (KAMSA)

Regional Indigenous Organization of the Cauca Valley (ORIVAC)

Organización Regional Indígena Valle del Cauca
Carrera 23A #7A-08, Barrio Alameda
Cali, Valle
Tel: 57 (9) 2 557 1989
Fax: 57 (9) 2 683 0990
Email: orivac1@yahoo.com

Association of Traditional Indigenous Leaders of Puerto Leguizamo and Upper Putumayo (ACILAP)

Asociación de Cabildos Indígenas de Puerto
Leguizamo y Alto Putumayo
Tel: 57 (9) 8 563-4083
Fax: 57 (9) 8 563-4001

Zonal Indigenous Organization of Putumayo (OZIP)

Organización Zonal Indígena de Putumayo
Tel: 57 (9) 8 420-5956, 429-5907, 429 5255
Fax: 57 (9) 8 429-5374

OREWA

Quibdó, Chocó
Baltazar Mecha
Tels: 57 (9) 4 671-2507, 670-9126
Email: orewa@col2.telecom.com.co

Embera-Katío of the Rivers Sinú and Verde

Cabildos Mayores del Río Sinú y Río Verde
Resguardo Embera Katío del Alto Sinú
Calle 5 # 10-67, Barrio El Prado
Tierralta, Córdoba
Tel: 57 (9) 4 777 1603
Fax: 57 (9) 4 777 1218
Email: camaemka@col3.telecom.com.co

Organization of Indigenous Peoples of Antioquia (OIA)

Organización Indígena de Antioquia
Carrera 49 #63-57
Medellin, Antioquia
Tel: 57 (9) 4 284 4845
Fax: 57 (9) 4 291 0008
Email: indigena@medellin.imsat.net.co
emberavive@epm.net.co

* The '9' is not required when dialing internationally

International Organizations

United Nations High Commission on Refugees (UNHCR)

Leila Lima, Colombia Representative
Office of the United Nations High Commission on Refugees (UNHCR/ACNUR)
Calle 114 # 9-01, Torre A Oficina 601
Bogotá
Tel: 57(9) 1 629-1819
Fax: 57 (9) 1 629-2790
Email: colbo@unhcr.ch

Officer of the United Nations High Commissioner for Human Rights (UNHCHR)

Anders Kompass,
Head of UNHCHR in Colombia
Calle 114 No. 9-01
Torre A Of. 1403
Bogotá
Tel: 57 629 2189
Fax: 57 629 2405
Email: oacnudh@hchr.org.co
www.hchr.org.co

United Nations Development Programme Marc André Franche, member of Colombia team

Colombian Government

Governor of Cauca – Gobernación de Cauca

Sr. Floro Tunubalá, Governor
Calle 4 Carrera 7, Esquina
Popayán, Cauca
Tel: 57 (9) 2 824-2153 824-2982, 824-4515,
824-2549, 824-3783
Cell: 57 3 578-4227
Email: flortunubala@latinmail.com
colave@hotmail.com

Diego Jaramillo, coordinator of the Cauca
alternative development plan
(alternative to Plan Colombia)
Email: djara9@hotmail.com

Antioquia Governor's Office **Gobernación de Antioquia**

Dr. Guillermo Gaviria, Governor of Antioquia
Ms. Dora Yagari, Secretary for Indigenous Affairs
Geraldito Jumi, Member of the Assembly of Antioquia
Medellin, Antioquia
Tel: 57 (9) 4 385-8639
Email: indigenajumi@epm.net.co
cindigenas@epm.net.co

Parliamentary Representatives

Jesus Piñacue, Senator
Francisco Rojas Birry, Senator
Marceliano Jaminoy, Senator
Johnny Aparicio, Member of Congress
Leonardo Caicedo, Member of Congress

Government Programmes

Human Rights Ombudsman
Defensoría del Pueblo
Dr. Eduardo Cifuentes Muñoz, Ombudsman
Dr. Gabriel Muyuy, Delegate for Ethnic Minorities,
Calle 55 #10-32/46
Bogotá, D.E.
Tel: 57 (9) 1 314 7300

Presidential Program for Human Rights, Indigenous Affairs

Reinaldo Botero Bedoya
Calle 7 # 5-54
Bogotá, D.E.
Tel: 57 (9) 1 286-8390, 336-0311, 336-1782,
336-1905, 336-25-09
Email: rbotero@presidencia.gov.co

Ministry of the Environment

Juan Mayr, Minister of the Environment
Juan Carlos Rasgos, National Parks Director

Ministry of the Interior

Marcela Bravo
Director of Indian Affairs
Germán Sanchez

Colombian Non-governmental Organizations (NGOs)

CENSAT Agua Viva

Tatiana Roa Avedano
Carrera 19 # 29-12 of. 202
Bogotá
Tel: 57 (9) 1 245 6860
Fax: 57 (9) 1 245 8906
Email: censat@colnodo.apc.org

Colectivo de Abogados **(Lawyers' Collective)**

Reinaldo Villalba Vargas
Calle 16 #6-66, Oficina 2506
Bogotá
Tel: 57 (9) 1 284-6040
57 (9) 1 281-2285

Colombian Commission of Jurists

Gustavo Gallon, Adriana Buchelli

Carrera 10 # 24-76

Bogotá

Tel: 57 (9) 1 380-1000

Fax: 57 (9) 1 342-8819

Email: ccjggg@impsat.net.co

Consulting Office on Human Rights and Displacement

Consultoría para los Derechos Humanos y

Desplazamiento – CODHES

Jorge Rojas

Calle 19 N°3-50

Oficina 1403

Bogotá

Tel: 57 (9) 1 334-21077

Fax: 342-5804

www.codhes.org.co

Latin American Institute for Alternative Legal Services – ILSA

Camilo Castellanos

Calle 38 N°16-45

Bogotá

Tel: 57 (9) 1 288-4772, 288-4437, 288-0416

www.ilsa.org.co

Fundación HEMERA

Luis Carlos Osorio, Olga Luz Restrepo

Carrera 5 #16-14, Oficina 704

Bogotá

Tel: 57 (9) 1 334-3347,

Fax: 243-2227

www.indigenascolombia.org

ANNEX 2

The Political Situation in Colombia

Mission Briefing Notes

COLOMBIA'S ARMED CONFLICT

It is impossible to comprehend present dilemmas faced by Colombia's indigenous peoples without glancing first at the overall situation, one that is arousing increased international concern as the armed conflict intensifies and efforts at peacebuilding lurch backwards and forwards at a snail's pace. Indigenous peoples are trapped and displaced by this conflict in many areas of rural Colombia and are actively involved in the search for a peaceful outcome.

For more than 50 years, continuous armed conflict has been part of the political fabric of a country called the oldest democracy in Latin America, where until three years ago, real economic growth was a constant, and where a diversified cultural life flourished and thrived. Contradictions, however, are immediately apparent. It has one of the highest (second only to El Salvador) homicide rates due to violent causes in the Americas (a yearly average of 30 to 35,000 for the last 10 years, jumping to nearly 40,000 in 2000, of which approximately 20% are now politically motivated, while the remainder is categorized as social violence). It is the most dangerous place in the world for trade unionists and the second most dangerous for journalists. It has one of the highest rates of internal displacement in the world—nearly 2 million people displaced from their original homes and communities due to the armed conflict. It provides most of the cocaine and over 50% of the heroin to North American markets and suffers inordinately from the resulting flow of illegal money. It also has an official 20% unemployment rate that refuses to budge.

THE GUERRILLA INSURGENTS

For over 40 years, guerrilla insurgents have been struggling, principally in the rural areas of the country, for major structural reforms (integrated agrarian reform, more equitable distribution of wealth, access to basic health

and education), and in the beginning, for the taking of state power through armed struggle. The two most important organizations today (several smaller insurgent groups, including an indigenous self-defence group, negotiated peace accords with central governments during the 1980s and 1990s), the Armed Revolutionary Forces of Colombia (FARC)¹, and the National Liberation Army (ELN)² have approximately 25,000 men, women and youth in arms. The FARC is much larger with 18-20,000 combatants (60 fronts) and the smaller ELN has between 5 and 7,000 members. In addition, both count on networks of supporters in urban areas who play an important logistical role. Although most would agree that the guerrillas' original goals were of a political nature in that they proposed changes to the inherently closed political system and to the lop-sided distribution of the country's wealth, today, the picture is much more complex and worrisome.

The FARC and the ELN are contributing significantly to the degeneration of an armed conflict in which the vast majority of casualties are civilians—mostly rural-based indigenous peoples, peasants and Afro-Colombians. The number of violations by the guerrilla of international humanitarian law has been increasingly documented—their use of extortion, individual and mass kidnappings for ransom and for political reasons, terrorism against local communities, social organizations, and the civilian population, destruction of the country's infrastructure (roads, electrical towers, gas pipelines), forced recruitment and recruitment of minors, and their overall lack of proposals that genuinely reflect the interests of Colombians, have contributed to rejection among all social classes. Many argue that economic interest or greed is a much more important motivating factor today among the insurgent groups than lofty political ideals.

1 Fuerzas Armadas Revolucionarias de Colombia

2 Ejército de Liberación Nacional

In some indigenous areas, the FARC, especially, has opted to support the claims of land-owners from whom they collect taxes, rather than permit indigenous peoples' struggles to recover lost territory. In addition, and very importantly, the guerrillas, especially the FARC, are well-financed by Colombia's cocaine and heroin trades, meaning that resources for military equipment and recruits is not a problem. According to President Pastrana himself, the guerrillas are not an international drug cartel as such; however, protection money collected from drug traffickers translates into significant economic clout.³ Major areas of rural Colombia are under transitory or permanent control of the guerrillas and the dispute for control of these territories is unleashing increasing terror in the countryside.

THE PARAMILITARY

Oversimplifying a long and complicated history, let us say that paramilitary groups originally appeared as self defence organizations in rural Colombia ostensibly to protect large land-owners and cattle-ranchers from the guerrillas' encroaching and increasingly violent tax-collection methods. They enjoyed a quasi-legal status, and it was only in the late 1980's, when their association with ruthless narcotraffickers resulted in an unsustainable level of violence, that the state stepped in to make them illegal. Today, most of these armed groups, operating outside the law, have joined forces under the umbrella of the United Self-Defence Groups of Colombia (AUC)⁴ whose monstrous leader, Carlos Castaño, has become a household name. Bolstered in the 90s by increasing resources from the narcotics business, the AUC today wages a reign of terror in mostly rural Colombia, the brutality of which frequently defies imagination. Their stated goal is the elimination of the guerrilla, and since the central government has proven itself incapable of dealing with guerrilla violence and terrorism, the AUC has won increasing public support.⁵ Direct military confrontation between the guerrillas and the paramilitary is related to the struggle for

territorial control, but is infrequent; the victims are again indigenous peoples, Afro-Colombians, peasants, fisher-folk, and small shop-keepers and anyone "suspected" of being a guerrilla sympathizer. Entire, mostly-rural⁶ areas of Colombia have recently come under AUC control, after breaking the resistance of the local population through sheer brutality and terror, while in others, the guerrillas and the AUC continue to struggle to gain and maintain control over the disputed territory. The AUC is presently jockeying for status as a valid interlocutor on the political scene and potential participant in future peace negotiations, a status that has been vehemently denied by the present government.

The State has been, for all intents and purposes, absent in this struggle for territorial control by the paramilitary, and extensive and irrefutable documentation points to direct and covert support by members and units of the Colombian Armed Forces. Today, the main demand to the Colombian government by the international human rights community is the dismantling and prosecution of the paramilitary leadership, and the severing of all ties between armed forces personnel and the paramilitary.

THE COLOMBIAN STATE

To the unsuspecting eye, Colombia's progressive 1991 Constitution and progressive Constitutional Court, the existence of apparently functioning State institutions, regular elections every four years, and a complex judiciary with any number of departments for the protection of human rights, provide some of the outward manifestations of a competent democratic system. A recent study, entitled *The Kaleidoscope of Justices in Colombia*, explains

3 Even this is coming into question, as recent revelations by a captured Brazilian working in the narcotics business and with close links with parts of the FARC, shows.

4 Autodefensas Unidas de Colombia

5 It is difficult to define the depth and extent of general support for the AUC. On the one hand are cattle ranchers and large land-owners; narcotraffickers are clearly connected to paramilitary financing and action; and more worrisome still, is the indiscriminate and unorganized support of people throughout the country who are quite simply too tired of the violence to much care who provides security.

6 The city of Barrancabermeja, or Barranca, as it is commonly known, Colombia's most important petroleum-refining centre, and an historical centre for grass-roots organizing, has recently "fallen" to the AUC.

that existing mechanisms for promoting indigenous justice in Colombia, for example, are some of the most sophisticated in the world. Among indigenous movements in Latin America, Colombia's indigenous peoples, by a wide margin, have won the largest number of political and judicial benefits.⁷ The real truth, however, lies somewhere else.

For over a century and a half, political decision-making has been highly dependent on the power of local political bosses known as *caciques*, while the control of central government over regional politics, over the exclusive use of legitimate force, and over vast areas of the country's geography has been weak and volatile.⁸ As such, it is difficult to decipher the relationship between the sophisticated trappings of a modern-day democracy and the weakness of the central government. Corruption, the use of violence, political favouritism, vote-buying, infiltration of narcotics money, and outright fraud have all played a significant role in greasing Colombia's political engine, the positive difference today being the increasing number of locally-elected politicians who represent peoples' coalitions rather than the bosses of the Liberal and Conservative Party machinery.⁹

THE COLOMBIAN ARMED FORCES

There has never been a full-scale military government as a result of a coup d'état in Colombia; however, the military wield significant behind-the-scenes power, a fact that is particularly significant as the present government persists in peace talks with the insurgent organizations. Most recruits come from lower and middle class strata of society; even the top offi-

cials are seldom members of "blue-blood" families. Researchers suggest this is one reason the civilian establishment has traditionally looked over the heads of armed forces officials and held them in low esteem. For many years, the Colombian armed forces have been accused of systematic and gross human rights violations, and are still described by human rights organizations as the most persistent violators in the continent. However, the number of directly attributable armed forces' violations has recently decreased, while those attributable to the illegal self-defence groups has increased by almost an identical proportion. As mentioned above, proven links between members and units of the armed forces and the paramilitary constitute one of the most serious threats to Colombian democracy today. A concerted effort is being made to provide human rights training to the troops, and it is generally agreed that the current size of the Colombian armed forces does not match the magnitude of the threat.

PASTRANA GOVERNMENT'S PEACE PROCESS (1998-2002)

President Andres Pastrana was elected in 1998. Although his family has traditionally belonged to an important faction of the Conservative Party (his father was also President), he ran on a coalition platform, the most significant political promise of which was to engage in a peace process with the guerrillas and to end the internal armed conflict through political negotiations. Despite numerous inconsistencies and weaknesses in his government, President Pastrana has personally played a significant and brave role in keeping this dream alive and has taken important political risks in an adverse climate. Discussions with the FARC are taking place in a demilitarized zone the size of Switzerland in south-western Colombia, a process supported internationally by 10 countries, including Canada. To date, the second process with the ELN designed to be an eight-month long National Dialogue in northern Colombia is currently on ice due to opposition from paramilitary bases in the selected geographic area.

7 *Revista Semana*, May 7, 2001

8 The "regionalism" of Colombian political life is complex. Landowners and industrialists—members of the traditional Liberal and Conservative parties—in cahoots with local armed forces commanders, and later with narco-traffickers and leaders of the illegal armed self-defence groups have, de facto, wielded considerable political and economic clout, at the expense of the consolidation of a modern democracy.

9 More will be said later. The most significant development on this front is the October 2000 election of the country's first indigenous governor with the widest historical margin over the one opposition candidate fielded jointly by the Liberals and Conservatives.

There are several challenges to the peace process.

- An overriding concern is the well-documented evidence of collaboration between members and units of the armed forces with the paramilitary, the former aiding and abetting the latter as they carry out their heinous crimes. As the "paramilitary issue" is increasingly taken up by the international community, including the US State Department¹⁰, the Colombian government has been obliged to act. Government spokespersons talk of an increasing number of paramilitary behind bars but the figures must be measured against the phenomenal increase in recruitment during the last four years. Likewise, the administration signals the significant number of armed forces personnel relieved of their responsibilities for abuses; however, the number actually tried for crimes against humanity is insignificant.¹¹ Public relations or a welcome tendency? is the question asked by many, while Carlos Castaño, the AUC boss, boasts that many ousted from the armed forces are now fighting with him against the guerrillas;
- Sectors of the business, cattle-raising, and landowning establishment are drawn to supporting the paramilitary, and right-wing political elements are increasingly vocal about the need to bring the guerrillas "to their knees";
- It is increasingly clear that armed forces commanders are not consistently supportive of their Commander-in-Chief's (President Pastrana's) determination to prolong negotiations with the guerrillas given the increasing number of the latter's atrocities;¹²

- Colombian human rights groups and the international community in general have persistently pressured the President to ensure the protection of peoples' basic human rights and to improve the 98% impunity rate for political crimes; the United Nations High Commissioner for Human Rights, with an observation office in Colombia, recently concluded in Geneva that massacres, kidnappings, assassinations outside of combat, bombing of civilians, illegal retention, displacement of entire communities, selective assassination of trade unionists, peasants, indigenous leaders, professors, students, and journalists, and forced disappearances led to grave, massive and systematic violations of human rights in Colombia during 2000;¹³
- The present economic scenario likewise complicates potential long-term, peace-building scenarios. After two years of negative and then stalemated growth, there is some expectation that 2001 may be a bit brighter, due in part to high international petroleum prices and the one-time flow of resources from the sale of public utilities and services. In fact, one analyst lamented recently in a weekly magazine that the whole country was up for sale and getting cheaper by the day¹⁴. The unemployment rate remains stubbornly around the 20% mark and increasing numbers of people are living in abject poverty without access to basic services. The situation for nearly 2 million displaced people within this context, the majority of whom are women and children, is simply overwhelming.

10 The US government recently placed the AUC on its list of 'other terrorist organizations' and imposed sanctions in September 2001. Both the FARC and the ELN were placed previously in the category of Foreign Terrorist Organizations.

11 In an important move in February 2001, a former General and a Colonel were tried and condemned in military court for the first time precisely for covert collaboration with the paramilitary in May 1997 that terminated in a massacre of 30 villagers.

12 General Mora, Commander of the armed forces, recently went public with his opposition to the agreement between the Pastrana government and the FARC to exchange kidnapped soldiers and police for FARC Prisoners. President Pastrana was then forced to publicly remind armed forces officialdom who is in charge.

13 The Colombian government's lengthy reply to what is conceived as an unbalanced attack 'deplores the inaccuracies, conceptual imprecision and theoretical contradictions in the report, and particularly its critical viewpoint and lack of recognition of the government's performance on human rights and in the application of international humanitarian law'. In an unprecedented step, Colombia's Defence Minister circulated a scathing letter addressed to President Pastrana in Spanish and English rejecting the report's conclusions and accusing the UN human rights monitors of disrespect and a lack of balance.

NARCOTRAFFICKING

Colombia's international reputation is tied to images of violent narcotrafficking. The country both grows coca and poppy in abundant quantities and produces cocaine and heroin of extremely high quality, and part of this cultivation takes place within indigenous territories. Colombia now supplies most of the world's cocaine and has an increasingly high share of the North American opium trade. Since the successful dismantling during the 90s, by Colombian officials, of the world-famous Medellín and Cali drug cartels, the business is now in the hands of a myriad of small operators much more difficult to detect. The number of hectares¹⁵ of land under poppy and coca cultivation has increased dramatically during the last ten years—from 40,000 hectares in 1990 to more than 160,000 in 2000—despite the demise of the large cartels and the single-issue focus of the US government on crop eradication through aerial spraying. Most Colombians, including indigenous peoples, are keenly aware of the damage the trade causes to their country—economic distortion, political corruption, increased violence, public health problems—but they are equally adamant that drug trafficking has to be fought internationally on a number of fronts simultaneously—consumption in the North and the West, North-South trade in chemicals required for cocaine and opium manufacture, and a crack-down on international money-laundering. A sole focus on crop eradication, involving large numbers of poor, small peasant producers is not a solution, and Colombians resent the unilateral certification process to which they have been subjected.¹⁶

A very recent report by the Integrated System for Illicit Crop Monitoring (SIMCI)¹⁷, reveals

that despite the fumigation of 60,000 hectares of illicit crops during 2000, the area under cultivation increased from 103,000 at the end of 1999 to 162,000 hectares at the end of 2000, for an overall increase of 60%. SIMCI is a sophisticated satellite photographic system created by the Colombian government and the UN to decrease dependence on US-only generated statistics. According to the weekly magazine *Cambio*, this shocking report is "evidence of the complete failure of repressing illicit drug production through aerial fumigation; very serious questions concerning the future of such a strategy, as well as Plan Colombia itself, are now in doubt".¹⁸

PLAN COLOMBIA

The Canadian media has not covered the Pastrana government's development plan, known as Plan Colombia, extensively; however, in the US, Europe, and Colombia itself, it is a topic of concern and great controversy. In fact, Plan Colombia has become a political football, frequently interpreted through the ideological lens of the beholder. A complex issue, delegation members will hear a great deal about Plan Colombia from indigenous partners, NGOs, social organizations, and the Canadian and Colombian governments. Therefore, it is crucial to get at some of the facts.

- After election, new governments in Colombia are required to present a four-year development plan for approval by Congress. Plan Colombia has become President Pastrana's development plan but it was not originally so.
- During 1999, pressure from the US government on President Pastrana and his cabinet led to Plan Colombia, which did not go through significant debate in the Senate and Congress. Besides fighting illicit crops and enforcing drug interdiction, this government development strategy also includes support for institutional strengthening, alternative crop production, justice reform, human rights protection and monitoring, employment-creation in urban and rural ar-

14 Abad, Hector; "Colombia: Se Vende", *Revista Cambio*. February 2001.

15 One hectare = approximately 2.5 acres

16 Fortunately, the Organization of American States has agreed to a multilateral approach to evaluating each country's progress in responding to the "drug problem" in the Americas, and fortunately the annual US "report card" effort has been replaced. Canada was instrumental in pushing for this fairer approach.

17 Sistema Integral de Monitoreo de Cultivos Ilícitos (SIMCI)

18 *Revista Cambio*, May 14, 2001

cas, child assistance, and support for displaced people.

- Overall, Plan Colombia calls for a US \$7.5 billion commitment-expenditure during President Pastrana's term of office, \$3.5 billion to come from foreign donors and \$4 billion to be provided by the Colombian government itself. Pledges have been slow in appearing except for assistance by the US government, principally for fighting illicit crops. This is the part of Plan Colombia that many have come to hate. Frequently, one hears about the "good" and the "bad" parts of the Plan.
- It is extremely difficult to monitor both the origin and the expenditure of the Colombian government's \$4 billion contribution; what the poor feel most keenly are the cut-backs in already precarious public services, the lack of job opportunities, the collapse of peasant and indigenous agriculture, and the abandonment of the displaced population.
- US support to Plan Colombia, approved in 2000, is US \$1.319 billion, about 65% or \$860.3 million of which is destined for Colombia. The other 35% is assistance for neighbouring countries and US agencies' Andean anti-drug operations. Of enormous significance, almost 75% of the Colombia portion is for military and police aid, with the rest going to alternative development, administration of justice, judicial reform, assistance for displaced persons, human rights and peace. However, to this new assistance must be added another \$330 million for on-going, previously planned programs during 2000 and 2001, nearly all of it for police and military aid.¹⁹ Which ever way the cloth is cut, US assistance to Colombia has an overwhelming military component.
- The stated principal intention of US military support to Plan Colombia is to fight the production of cocaine and heroin by "pushing into southern Colombia", espe-

cially the department of Putumayo where 50% of coca leaf is supposedly grown.²⁰ By eradicating the source, the argument is, the entry of illegal drugs to the US can be reduced. However, the overall validity of this argument is questioned and results have been few, while the use of aerial spraying is extremely controversial because of its adverse effects on other plant, animal and human life. Reports from small farmers and indigenous peoples living in the area indicate considerable damage has already been done. Because this is a traditional FARC stronghold, and because the insurgents are conceived as "narco-guerrillas" by the US government, the conclusion for some Colombia-observers is that Plan Colombia is also an anti-guerrilla, counter-insurgency strategy and that the US is heading for increasing military intervention in Colombia. It is already involved in training three specialized anti-narcotic battalions and has several military contracts with private firms.

- Opposition to Plan Colombia is widespread and comes from several sources:
 - It has aggravated the FARC who see the military build-up as an attack against them and a threat to peace talks with the government;
 - Peasants and indigenous peoples are amenable to manual eradication and viable crop substitution but are opposed to aerial spraying that destroys not only coca and poppy plants but also basic food crops, animals, and pasture lands (this is the publicly-stated position of indigenous peoples in the area), and contaminates their water supply;
 - Researchers in the US, Colombia and other countries who have watched similar eradication strategies fail persistently over the years, argue for a holistic, international response to the scourge of drug-trafficking; Latin Americans, es-

19 Center for International Policy; Aid to Colombia; www.ciponline.org

20 Some experts, like Ricardo Vargas, dispute this 50% figure, but it has been repeated often enough to have become the accepted 'de facto' truth.

pecially in countries where illegal drug production or trafficking is flourishing, resent US drug policy in their region, a policy which over the years has yielded so few results;

- Peace-workers contend that the world's superpower should engage in positive ways to support a negotiated political solution to the conflict rather than "adding fuel to the fire"; human rights groups from around the world are appalled that the US government has waived the human rights provisions attached to Plan Colombia when passed by Congress;²¹
- The governments of neighbouring countries (Peru, Ecuador, Venezuela, and Brazil, principally) are concerned about extension of the conflict across their borders; already there are several reports of peasants and indigenous peoples fleeing to safety from the conflict and the aerial spraying;
- The European Parliament, while avoiding outright condemnation of Plan Colombia recently voted overwhelmingly in a strongly-worded resolution to assist Colombia to support aspects of the peace process that involve the strengthening of institutions, alternative development, humanitarian aid and social development and to avoid stepping up military involvement to fight illegal drugs due to the risk of sparking an escalation in the conflict. The resolution further stressed that the European Union should pursue its own, non-military strategy combining neutrality, transparency, the participation of civil society, and the undertakings from the parties involved in the negotiations;

21 The legislation includes several human rights conditions such as: the Colombian government is vigorously prosecuting paramilitary leaders and members, and any Colombian military personnel who aid and abet paramilitary groups, will be tried in civilian courts. However, the certification proviso is essentially optional. It may be skipped entirely if the US President determines that "national security" interests are at risk.

- And finally, there is growing criticism in the US itself of government policy toward Colombia.

- After three international donor-meetings in which Canada was a participant, the Colombian government is claiming success: according to official sources, \$3,600,000 have been promised for Plan Colombia for social development. However, a close examination of the figures reveals that of the \$1,330 million promised by European countries, the European Commission, Canada, UN, Japan, the Andean Development Corporation, the Inter-American Development Bank, and the US government, much is in the form of loans with complex and differing time-frames (between 2-6 years). While Europe continues to insist that its support is for the peace process and not for Plan Colombia, statistics are interpreted according to who is doing the talking and who the listening.²²
- During the Quebec summit, President Bush announced another \$400 million for Colombia for a "genetically-modified Plan Colombia" now called the Andean Regional Initiative—the rest of this package is to be divided among 6 other countries in the region in order to reduce the supply of illegal drugs. However, this new money supposedly "would not allow Colombia's security forces to acquire additional military equipment or finance a greater role for the American advisors in Colombia beyond what is provided in the existing program. The new package, which still must be approved by Congress, would effectively reorient US counternarcotics spending in Latin America... and would strike an equal balance between drug interdiction efforts and addressing the social and economic conditions that give rise to drug production.
- The Colombian government is declaring its strategy around Plan Colombia a success; the great majority of Colombian grassroots organizations and social movements believe Plan Colombia is fundamentally flawed and

22 The statistics used come from an extensive article in the weekly magazine *Cambio*, May 14, 2001.

must be abandoned outright, and that international donors should be persuaded to support specific regional governments and civil society alternatives; the US government is confronted by on-going internal debate; European governments are "for peace" and against the military aspects of Plan Colombia, but appear ready to provide lukewarm assistance to other parts. The official Canadian position is one of neutrality.

THE COLOMBIAN PEACE MOVEMENT

In the midst of the on-going tragedy, civil society in a multiplicity of ways, as well as particular government departments and some local governments struggle to keep a voice for peace alive. While massive public demonstrations for peace during the last three years indicate a united desire to end the untenable state of conflict, a direct correlation between numbers and support for peace may be fickle. If asked, few people would profess "to not be for peace"; the complicating factor being a tendency to also support quick-fix, authoritarian responses if this would mean being able to get on with life. To call the myriad of peacebuilding initiatives in Colombia a "movement" is to exaggerate the degree of cohesion that exists. It is naïve to assume that because 11 million Colombians have marched in the streets in favour of peace and to end violence, that a movement was born. However, that the majority of Colombians desire an end to the conflict goes without saying. The problem has been in defining how.

For the past five years, significant national initiatives such as REDEPAZ, PAZ COLOMBIA, and the Civil Society Permanent Assembly for Peace have played a significant role in gathering disparate local and regional efforts together to construct common language, symbols and analysis around peacebuilding. They have insisted, along with other social actors, regional governments, international governments, and the UN, the urgent need for a humanitarian accord adhered to by all armed actors. They have achieved recognition within Colombia as legitimate spokespeople on issues pertaining to the need for a negotiated political settlement and dignified peace with justice. However, their membership is still modest and

they do not yet represent sufficiently broad sectors of the population to be considered a real social interlocutor in the present context. Colombia's indigenous peoples have a clearly articulated policy of 'active neutrality' vis-à-vis the armed conflict and the unfolding peace process; that is, while actively engaged with the political causes of the conflict, they take no sides with any of the armed actors, including the Colombian armed forces. However, their 'territories for peace' are often violated and indigenous peoples, in many rural areas, are forced to take sides or be massacred and displaced. Indigenous peoples are to be found within the ranks of the guerrillas and the paramilitaries, but the real story is much more complex. Resistance means suicide, especially in far-flung areas of small, disperse indigenous populations where forced recruitment is the norm. At the same time, while participating in broad-based national movements for peace, the voices of indigenous communities are not always taken into consideration by the mostly urban activists.

The level of forced disappearances, kidnappings, massacres, extortion, selective assassinations, and massive displacements has produced a climate of fear, despair, desperation and defeat among significant sectors of the population, especially among the middle class and professional sectors (the rich have their ways of dealing with the situation, the poor have always been victims and those who are organized continue to struggle on). There is less and less faith that the government is able to resolve the overall conflict and bring an end to the suffering. Professionals are leaving the country by choice, and social justice workers and academics are being forced to look for asylum. Indigenous peoples, Afro-Colombians, and rural peasants are being killed or forced into anonymity as they flee from communities under siege. The toll on organizations is experienced in terms of greatly reduced capacity. Hope, on the other hand, because of the particular energy, bravery and creativity of the Colombian people, is also part of the equation –not passive hope, waiting for manna from heaven, but rather hope manifested by people actively and resolutely in their own way constructing scenarios of peace and non-violence. It is this densely-layered and sometimes hid-

den-from-view mosaic that can be revealed, nurtured, linked, and uplifted. A relatively recent initiative financed by the Norwegian government to look at peacebuilding "from below" counted over 700 local groups working legitimately on what can be termed part of a process of non-violence, peace and reconciliation.

WHAT MIGHT BE DONE?

There are significant disagreements within and outside of Colombia concerning the causes and ways out of the violence. It is often as difficult to find a shared language on the Colombian conflict as it is to find a means to bring about peace. It is a major challenge to find a way of discussing violence in Colombia in a non-polarized way and of making judgements based on a commitment to truth. Because there is a danger that the violence in Colombia will become simplified internationally into opposing discourses, there must be serious efforts to continually keep abreast of developments.

- Seven general ideas about what "should happen" for a successful peace process in Colombia follow. It is not so difficult to say what "should" happen; the "how" poses the challenge.
 - The State must show significant improvements in the protection of peoples' fundamental rights; the paramilitary must be dismantled and its leaders tried and punished, and all connections between the armed forces and the paramilitary severed.
 - All possible pressure should be directed to the guerrillas to force them to sign an international humanitarian law accord, and to respect the territorial rights of indigenous and Afro-Colombian communities, and their right to neutrality in the armed conflict.
 - Peace has a cost and Colombians, significantly the Colombian establishment, will be required to make sacrifices. A peace accord is not "revolution by decree", and it is important that glaring social inequities are dealt with. Over the years, business elites have played a central role in

restricting the policy space of government leaders. Their lack of support for peace cannot be placed solely at the door of the armed insurgency. Issues of agrarian and urban reform, negative income distribution, lack of basic education and health care, unemployment, among others, cannot be avoided. What might a guaranteed "minimal utopia" for all Colombians consist of? What would it cost? "Getting an answer to the question of how much we are prepared to pay for peace is fundamental if we are to find out how near or how far we are from the possibility of real negotiation", says Javier Guerrero Barón in a recent article *Is the War Ending?*²³

- The international community must take into account the specific conditions of a country at war when designing policy interventions. The macro parameters used for economic policy for Brazil or Switzerland cannot be applied to Colombia. The structural adjustment policies implemented since the late 1980s have increased poverty and the already-lopsided income distribution. "Solutions proposed by the multilateral agencies that have failed to reduce poverty or mitigate inequality in the rest of Latin America are unlikely to assist in bringing persistent conflict to an end in Colombia".²⁴ The international community must support coherent economic strategies that shape the foundations of lasting peace with justice. "The key to growth lies with equity, with empowering a population to develop through access to essentials at home".²⁵ The priority should be to increase employment and help the unemployed.
- Colombians must find the ways, and be assisted in their attempts, to renounce violence. The armed protagonists do not represent the Colombian people, yet they pretend to speak on their behalf,

23 *Latin American Perspectives*, Volume 28, No. 1

24 Aviles, William, and Sanchez, Gonzalo: *Latin American Perspectives*, Volume 28, Number 1

25 *The Toronto Star*; April 13, 2001; John Foster

and Colombian society has, for a multitude of reasons, allowed this to continue. When indigenous peoples, Afro-Colombian communities, peace communities, and women's organizations declare their neutrality vis-à-vis each of the armed groups, they become targets for every side.

- For the reasons mentioned above, an active role for civil society is a necessary component of the emerging model for negotiating in the midst of the conflict, recognizing at the same time that civil society is not homogenous nor simply an innocent victim in the conflict. Neither can it replace the armed actors. The voices of Colombia's "invisible strugglers" must be uplifted and taken into consideration throughout the evolving peace process.
- It is abundantly clear that a new drug enforcement policy is required in the region, one that is negotiated between governments, coca and poppy producers, justice system officials, health workers, educators, and citizens' organizations, and that attacks the problem of consumption and money laundering in the consuming countries with the same vigour as production in Colombia. Plan Colombia, now called the Andean Initiative, could go very wrong.
- Based on the context in which the next regime takes office, "friendly" countries should work with the new Colombian government and should encourage the participation of the US government to articulate a development plan that concentrates on strengthening and democratizing government institutions, on reducing unemployment and inequities in access to basic services, and on supporting the capacity of civil society to broaden the peace process. A complete reworking of US involvement in Colombia and in the region is required.

Rights & Democracy is a Canadian institution with an international mandate. It works with civil society and governments in Canada and abroad to promote human rights and democratic development through dialogue, advocacy, capacity building and public education. It focuses on four themes: democratic development, women's rights, rights of indigenous peoples, and globalization and human rights; as well as two special operations International Human Rights Advocacy and Urgent Action/Important Opportunities.



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